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AMENDMENTS

378 - 667

Draft report

Agustín Díaz de Mera García Consuegra
(PE513.116v01-00)

on the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA

Proposal for a regulation
(COM(2013)0173 – C7-0094/2013 – 2013/0091(COD))

Amendment 378
Sophia in't Veld

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

2. Europol shall take all appropriate measures to enable Eurojust and OLAF, within their respective mandates, to have indirect access on the basis of a hit/no hit system to information provided for the purposes under Article 24(1)(c), without prejudice to any restrictions indicated by the providing Member States, Union bodies and third countries or international organisations, in accordance with Article 25(2). In case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State, Union body, third country or international organisation that provided the information to Europol.

Amendment

2. Europol shall take all appropriate measures to enable Eurojust and OLAF, within their respective mandates, to have indirect access on the basis of a hit/no hit system to information provided for the purposes under Article 24(1)(c), without prejudice to any restrictions indicated by the providing Member States, Union bodies and third countries or international organisations, in accordance with Article 25(2). In case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the Member State, Union body, third country or international organisation that provided the information to Europol. ***In case of a hit, Eurojust and OLAF shall specify which data they need and Europol may share the data only to the extent that the data generating the hit are necessary for the legitimate performance of their tasks. Europol shall log which information has been accessed.***

Or. en

Amendment 379
Carlos Coelho

Proposal for a regulation
Article 27 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Europol, Eurojust and OLAF shall

inform each other if, after consultation of each other's data there are indications that data may be incorrect or conflicting with other data.

Or. en

Justification

It is in the benefit of both organisations that an obligation to inform each other is introduced.

Amendment 380
Véronique Mathieu Houillon

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

1. If Europol, in accordance with its task pursuant to Article 4(1)(b), needs to inform a Member State about information concerning it, and that information is subject to access restrictions pursuant to Article 25(2), that would prohibit sharing it, Europol shall consult with the data provider stipulating the access restriction and seek its authorisation for sharing.

Without such an authorisation, the information shall not be shared.

Amendment

1. If Europol, in accordance with its task pursuant to Article 4(1)(b), needs to inform a Member State about information concerning it, and that information is subject to access restrictions pursuant to Article 25(2), that would prohibit sharing it, Europol shall consult with the data provider stipulating the access restriction and seek its authorisation for sharing.

Without such an authorisation, the information shall not be shared.

In cases where the information is not subject to access restrictions pursuant to Article 25, Europol shall nevertheless inform the Member State which provided the information that it has been passed on.

Or. fr

Justification

The Member State which provided the information should be informed about who it is passed on to even if the Member State in question has not specified any restrictions.

Amendment 381
Josef Weidenholzer

Proposal for a regulation
Article 28 – paragraph 1 – subparagraph 1

Text proposed by the Commission

If Europol, in accordance with its task pursuant to Article 4(1)(b), needs to inform a Member State about information concerning it, and that information is subject to access restrictions pursuant to Article 25(2), that would prohibit sharing it, Europol shall consult with the data provider stipulating the access restriction and *seek* its authorisation for sharing.

Amendment

If Europol, in accordance with its task pursuant to Article 4(1)(b), needs to inform a Member State about information concerning it, and that information is subject to access restrictions pursuant to Article 25(2), that would prohibit sharing it, Europol shall consult with the data provider stipulating the access restriction and *ask for* its authorisation for sharing.

Or. de

Amendment 382
Josef Weidenholzer

Proposal for a regulation
Article 28 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Without *such an* authorisation, the information shall not be shared.

Amendment

Without *explicit* authorisation, the information shall not be shared.

Or. de

Amendment 383
Cornelia Ernst

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. In so far as necessary for the

Amendment

1. In so far as necessary for the

performance of its tasks, Europol may establish and maintain cooperative relations with the Union bodies in accordance with the objectives of those bodies, the law enforcement authorities of third countries, *law enforcement training institutes of third countries*, international organisations and private parties.

performance of its tasks, Europol may establish and maintain cooperative relations with the Union bodies in accordance with the objectives of those bodies, the law enforcement authorities of third countries, international organisations and private parties.

Or. en

Amendment 384
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. In so far as necessary for the performance of its tasks, Europol may establish and maintain cooperative relations with the Union bodies in accordance with the objectives of those bodies, the law enforcement authorities of third countries, *law enforcement training institutes of third countries*, international organisations and private parties.

Amendment

1. In so far as necessary for the performance of its tasks, Europol may establish and maintain cooperative relations with the Union bodies in accordance with the objectives of those bodies, the law enforcement authorities of third countries, international organisations and private parties.

Or. en

Amendment 385
Rui Tavares

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

3. Europol may receive and process personal data from entities referred to in paragraph 1 except from private parties, in so far as necessary for the performance of its tasks and subject to the provisions of

Amendment

3. Europol may receive and process personal data from entities referred to in paragraph 1 except from private parties, in so far as *strictly* necessary *and proportionate* for the performance of its

this Chapter.

tasks and subject to the provisions of this Chapter.

Or. en

Amendment 386

Cornelia Ernst

Proposal for a regulation

Article 29 – paragraph 3

Text proposed by the Commission

3. Europol may receive and process personal data from entities referred to in paragraph 1 except from private parties, in so far as necessary for the performance of its tasks and subject to the provisions of this Chapter.

Amendment

3. Europol may receive and process personal data from entities referred to in paragraph 1 except from private parties, in so far as ***strictly*** necessary ***and proportionate*** for the ***legitimate*** performance of its tasks and subject to the provisions of this Chapter.

Or. en

Amendment 387

Sophia in 't Veld

Proposal for a regulation

Article 29 – paragraph 4 – introductory part

Text proposed by the Commission

4. Without prejudice to Article 36(4), personal data shall only be transferred by Europol to Union bodies, third countries and international organisations, if this is necessary for preventing and combating crime that falls under Europol's objectives and in accordance with this Chapter. If the data to be transferred have been provided by a Member State, Europol shall seek that Member State's consent, unless:

Amendment

4. Without prejudice to Article 36(4), personal data shall only be transferred by Europol to Union bodies, third countries and international organisations, if this is necessary for preventing and combating crime that falls under Europol's objectives and in accordance with this Chapter. If the data to be transferred have been provided by a Member State, Europol shall seek that Member State's consent ***prior to the transfer***, unless:

Or. en

Amendment 388
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 29 – paragraph 4 – introductory part

Text proposed by the Commission

4. Without prejudice to Article 36(4), personal data shall only be transferred by Europol to Union bodies, third countries and international organisations, if this is necessary for preventing and combating crime that falls under Europol's **objectives** and in accordance with this Chapter. If the data to be transferred have been provided by a Member State, Europol shall seek that Member State's consent, unless:

Amendment

4. Without prejudice to Article 36(4), personal data shall only be transferred by Europol to Union bodies, third countries and international organisations, if this is necessary for preventing and combating crime that falls under Europol's **tasks** and in accordance with this Chapter **and if the recipient gives an undertaking that the data shall be used solely for the purpose for which they were transmitted**. If the data to be transferred have been provided by a Member State, Europol shall seek that Member State's **prior explicit** consent, unless

Or. en

Amendment 389
Josef Weidenholzer

Proposal for a regulation
Article 29 – paragraph 4

Text proposed by the Commission

4. Without prejudice to Article 36(4), personal data shall only be transferred by Europol to Union bodies, third countries and international organisations, if this is necessary for preventing and combating crime that falls under Europol's **objectives** and in accordance with this Chapter. If the data to be transferred have been provided by a Member State, Europol shall seek that Member State's consent, unless:

Amendment

4. Without prejudice to Article 36(4), personal data shall only be transferred by Europol to Union bodies, third countries and international organisations, if this is necessary for preventing and combating crime that falls under Europol's **tasks** and in accordance with this Chapter **and if the recipient gives an undertaking that the data shall be used solely for the purpose for which they were transmitted**. If the data to be transferred have been provided

by a Member State, Europol shall seek that Member State's *prior explicit* consent, unless the Member State has granted its prior authorisation to such onward transfer, either in general terms or subject to specific conditions. Such consent may be withdrawn any moment.

(a) the authorisation can be assumed as the Member State has not expressly limited the possibility of onward transfers; or

(b) the Member State has granted its prior authorisation to such onward transfer, either in general terms or subject to specific conditions. Such consent may be withdrawn any moment.

Or. en

Amendment 390
Rui Tavares

Proposal for a regulation
Article 29 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) the authorisation can be assumed as the Member State has not expressly limited the possibility of onward transfers; or

deleted

Or. en

Amendment 391
Cornelia Ernst

Proposal for a regulation
Article 29 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) the authorisation can be assumed as

deleted

*the Member State has not expressly
limited the possibility of onward transfers;
or*

Or. en

Amendment 392
Nils Torvalds

Proposal for a regulation
Article 29 – paragraph 4 – point a

Text proposed by the Commission

Amendment

*(a) the authorisation can be assumed as
the Member State has not expressly
limited the possibility of onward transfers;
or* *deleted*

Or. en

Amendment 393
Sophia in 't Veld

Proposal for a regulation
Article 29 – paragraph 4 – point a

Text proposed by the Commission

Amendment

*(a) the authorisation can be assumed as
the Member State has not expressly
limited the possibility of onward transfers;
or* *deleted*

Or. en

Amendment 394
Josef Weidenholzer

Proposal for a regulation
Article 29 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) the authorisation can be assumed as the Member State has not expressly limited the possibility of onward transfers; or

deleted

Or. de

Amendment 395

Rui Tavares

Proposal for a regulation

Article 29 – paragraph 5

Text proposed by the Commission

Amendment

5. Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall be prohibited unless Europol has given its explicit consent.

5. Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall be prohibited unless Europol has given its ***prior*** explicit consent ***and the recipient gives an undertaking that the data shall be used solely for the purpose for which they were transmitted.***

Or. en

Amendment 396

Cornelia Ernst

Proposal for a regulation

Article 29 – paragraph 5

Text proposed by the Commission

Amendment

5. Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall be prohibited unless Europol has given its explicit consent.

5. Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall be prohibited unless Europol has given its explicit consent ***and the recipient abides by the strict purpose limitation.***

Amendment 397
Sophia in 't Veld

Proposal for a regulation
Article 29 – paragraph 5

Text proposed by the Commission

5. Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall be prohibited unless Europol has given its explicit consent.

Amendment

5. Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall be prohibited unless Europol has given its explicit consent ***and the recipient gives an undertaking that the data will be used only for the purpose for which they were transmitted.***

Or. en

Amendment 398
Josef Weidenholzer

Proposal for a regulation
Article 29 – paragraph 5

Text proposed by the Commission

5. Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall be prohibited unless Europol has given its explicit consent.

Amendment

5. Onward transfers of personal data by Member States, Union bodies, third countries and international organizations shall be prohibited unless Europol has given its ***prior*** explicit consent ***and the recipient gives an undertaking that the data shall be used solely for the purpose for which they were transmitted.***

Or. en

Amendment 399
Sophia in 't Veld

Proposal for a regulation
Article 29 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Europol shall keep a register of all processing operations it carries out, containing sufficient information (purpose(s) of the processing, description of the categories of data subjects and of the data, recipients, time limits for blocking and erasure, transfers to third countries or international organisations, security measures);

Or. en

Amendment 400
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 29 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Europol shall keep detailed records of all transfers of personal data and their grounds.

Or. en

Amendment 401
Josef Weidenholzer

Proposal for a regulation
Article 29 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Whenever data is transferred, the purpose of the data processing shall be explicitly stated and adequacy and proportionality shall be respected.

Amendment 402
Josef Weidenholzer

Proposal for a regulation
Article 29 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Europol shall keep detailed records of all transfers of personal data and their grounds.

Or. en

Amendment 403
Josef Weidenholzer

Proposal for a regulation
Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29a

Respect of fundamental rights

Any information which has been obtained by a third country, international organization or private party in violation of fundamental rights, as enshrined in the EU Charter of Fundamental Rights, shall not be processed.

Or. en

Amendment 404
Rui Tavares, Cornelia Ernst, Sophia in 't Veld

Proposal for a regulation
Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29a

Respect of fundamental rights

Any information which has been obtained by a third country, international organization or private party in violation of fundamental rights, as enshrined in the EU Charter of Fundamental Rights, shall not be processed.

Or. en

Amendment 405

Rui Tavares

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

Amendment

Subject to any possible restrictions stipulated pursuant to Article 25(2) or (3) Europol may directly transfer personal data to Union bodies in so far as it is necessary for the performance of its tasks or those of the recipient Union body.

Subject to any possible restrictions stipulated pursuant to Article 25(2) or (3) ***and without prejudice to Article 27*** Europol may directly transfer personal data to Union bodies in so far as it is necessary for the performance of its tasks or those of the recipient Union body.

Or. en

Amendment 406

Sophia in 't Veld

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

Amendment

Subject to any possible restrictions stipulated pursuant to Article 25(2) or (3) Europol may directly transfer personal data

Subject to any possible restrictions stipulated pursuant to Article 25(2) or (3) Europol may directly transfer personal data

to Union bodies in so far as it is necessary for the performance of its tasks or those of the recipient Union body.

to Union bodies in so far as it is necessary for the performance of its tasks or those of the recipient Union body. ***Europol shall make public the list of EU institutions and bodies with whom it shares information, by posting such a list on its website.***

Or. en

Amendment 407
Cornelia Ernst

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Europol may transfer personal data to an authority of a third country or to an international organisation, in so far as this is necessary for ***it to perform its tasks***, on the basis of:

Amendment

Europol may transfer personal data to an authority of a third country or to an international organisation, in so far as this is necessary for ***a specific case***, on the basis of:

Or. en

Amendment 408
Josef Weidenholzer

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Europol may transfer personal data to an authority of a third country or to an international organisation, in so far as this is necessary for it to perform its tasks, on the basis of:

Amendment

In exceptional cases Europol may transfer personal data to an authority of a third country or to an international organisation, in so far as this is necessary for it to perform its tasks, on the basis of:

Or. de

Amendment 409
Sophia in 't Veld

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) an international agreement concluded between the Union and that third country or international organisation pursuant to Article 218 of the Treaty adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals; or

Amendment

(b) an international agreement concluded between the Union and that third country or international organisation pursuant to Article 218 of the Treaty adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals. ***The European Data Protection Supervisor shall be consulted during the negotiation of such an agreement and in particular before adoption of the negotiating mandate as well as before the finalisation of the agreement;*** or

Or. en

Amendment 410
Sophia in 't Veld

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) a cooperation agreement concluded between Europol and that third country or international organisation in accordance with Article 23 of Decision 2009/371/JHA prior to the date of application of this Regulation.

Amendment

(c) a cooperation agreement concluded between Europol and that third country or international organisation in accordance with Article 23 of Decision 2009/371/JHA prior to the date of application of this Regulation. ***These agreements shall be reviewed within two years after the entry into force of this Regulation.***

Or. en

Amendment 411
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) a cooperation agreement concluded between Europol and that third country or international organisation in accordance with Article 23 of Decision 2009/371/JHA prior to the date of application of this Regulation.

Amendment

(c) a cooperation agreement concluded between Europol and that third country or international organisation in accordance with Article 23 of Decision 2009/371/JHA prior to the date of application of this Regulation.

These cooperation agreements shall remain in force until they are replaced by a subsequent agreement in accordance with point (b).

Or. de

Amendment 412
Cornelia Ernst

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Such transfers do not require any further authorisation.

Amendment

All data transfers shall be accompanied by an indication of the specific purpose of the transfers and of the kind of processing intended by the third country or international organisation.

Or. en

Amendment 413
Josef Weidenholzer

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Such transfers **do not require any further authorisation**.

Amendment

The European Data Protection Supervisor shall be informed of such transfers.

Or. de

Amendment 414
Sophia in 't Veld

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Europol may conclude working arrangements to implement such agreements or adequacy decisions.

Amendment

Europol may conclude working arrangements to implement such agreements or adequacy decisions.
Europol shall make publicly available the list of its international and cooperation agreements with third countries and international organisations, by posting this list on its website.

Or. en

Amendment 415
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Europol may conclude working arrangements to implement such agreements or adequacy decisions.

Amendment

Europol may conclude, **after consulting the Independent Joint Supervisory Body**, working arrangements to implement such agreements or adequacy decisions.

Or. en

Amendment 416
Rui Tavares

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The European Data Protection Supervisor shall be consulted in a timely manner before and during the negotiations of an international agreement referred to in point (b).

Or. en

Amendment 417
Josef Weidenholzer

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Where personal data is exchanged with third countries and international organisations, there must be an appropriate balance between the need for effective law enforcement and the protection of personal data.

Or. de

Amendment 418
Josef Weidenholzer

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The European Data Protection Supervisor shall be consulted in a timely manner before and during the negotiations of an

international agreement referred to in point (b).

Europol shall make publicly available a regular updated list of international and cooperation agreements it has with third countries and international organisations.

Or. en

Amendment 419
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 3 b (new)

Text proposed by the Commission

Amendment

Europol shall make publicly available a regular updated list of international and cooperation agreements it has with third countries and international organisations.

Or. en

Amendment 420
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the transfer of the data is absolutely necessary to safeguard the essential interests of one or more Member States within the scope of Europol's *objectives*;

(a) the transfer of the data is absolutely necessary to safeguard the essential interests of one or more Member States within the scope of Europol's *tasks*;

Or. en

Amendment 421
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the transfer of the data is absolutely necessary to safeguard the essential interests of one or more Member States within the scope of Europol's objectives; ***deleted***

Or. de

Justification

The wording of the derogations set out in Article 31(2) should tally with Article 36 of the Commission proposal for a directive of the European Parliament and of the Council on protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (see rapporteur's amendments 96 and 97).

Amendment 422
Sonia Alfano

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the transfer of the data is absolutely necessary in the interests of preventing imminent danger associated with crime or terrorist offences;

(b) the transfer of the data is absolutely necessary in the interests of preventing imminent **and serious** danger associated with crime or terrorist offences **and concerning a Member State or a third country**;

Or. en

Amendment 423
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) the transfer of the data is absolutely necessary in ***the interests of preventing imminent danger*** associated with crime or terrorist offences;

Amendment

(b) the transfer of the data is absolutely necessary in ***order to prevent an imminent and serious threat to public security of a Member State or a third country,*** associated with ***serious*** crime or terrorist offences;

Or. en

Amendment 424

Cornelia Ernst, Rui Tavares

Proposal for a regulation

Article 31 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) the transfer of the data is absolutely necessary in the interests of preventing imminent danger associated with crime or terrorist offences;

Amendment

(b) the transfer of the data is absolutely necessary in the interests of preventing imminent danger associated with ***serious*** crime or terrorist offences;

Or. en

Amendment 425

Hubert Pirker, Monika Hohlmeier

Proposal for a regulation

Article 31 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) the transfer ***of the data*** is ***absolutely*** necessary in ***the interests of preventing imminent danger associated with crime or terrorist offences;***

Amendment

(b) the transfer is necessary in ***individual cases for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties;***

Or. de

Justification

The wording of the derogations set out in Article 31(2) should tally with Article 36 of the Commission proposal for a directive of the European Parliament and of the Council on protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (see rapporteur's amendments 96 and 97).

Amendment 426 **Josef Weidenholzer**

Proposal for a regulation **Article 31 – paragraph 2 – subparagraph 1 – point b**

Text proposed by the Commission

(b) the transfer of the data is absolutely necessary in ***the interests of preventing*** imminent ***danger*** associated with crime or terrorist offences;

Amendment

(b) the transfer of the data is absolutely necessary in ***order to prevent an imminent and serious threat to public security of a Member State or a third country,*** associated with ***serious*** crime or terrorist offences

Or. en

Amendment 427 **Sonia Alfano**

Proposal for a regulation **Article 31 – paragraph 2 – subparagraph 1 – point b a (new)**

Text proposed by the Commission

(ba) the transfer is necessary to safeguard legitimate interests of the data subject where the law of the Member State transferring the data so provides; or

Or. en

Amendment 428
Cornelia Ernst

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

(c) the transfer is otherwise necessary or legally required on important public interest grounds, or for the establishment, exercise or defence of legal claims; or

Amendment

(c) the transfer is otherwise necessary or legally required on important public interest grounds **of the Member States**, or for the establishment, exercise or defence of legal claims; or

Or. en

Amendment 429
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

(c) the transfer is **otherwise** necessary **or legally required on important public interest grounds, or for the establishment, exercise or defence of legal claims**; or

Amendment

(c) the transfer is necessary **in individual cases for the establishment, exercise or defence of legal claims relating to the prevention, investigation, detection or prosecution of a specific criminal offence or the execution of a specific criminal penalty**; or

Or. de

Justification

The wording of the derogations set out in Article 31(2) should tally with Article 36 of the Commission proposal for a directive of the European Parliament and of the Council on protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (see rapporteur's amendments 96 and 97).

Amendment 430
Josef Weidenholzer

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

(c) the transfer is *otherwise* necessary or legally required *on important public interest grounds, or* for the establishment, exercise or defence of legal claims; or

Amendment

(c) the transfer is necessary or legally required *in an individual case* for the establishment, exercise or defence of legal claims *relating to the prevention, investigation, detection or prosecution of a specific criminal offence*; or

Or. en

Amendment 431
Rui Tavares

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

(c) the transfer is *otherwise* necessary or legally required *on important public interest grounds, or* for the establishment, exercise or defence of legal claims; or

Amendment

(c) the transfer is necessary or legally required *in an individual case* for the establishment, exercise or defence of legal claims *relating to the prevention, investigation, detection or prosecution of a specific criminal offence*; or

Or. en

Amendment 432
Sonia Alfano

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the transfer is necessary in individual cases for the purposes of prevention,

investigation, detection or prosecution of criminal offences or the execution of criminal penalties.

Or. en

Amendment 433
Rui Tavares

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the transfer is necessary or legally required in an individual case on important public interest grounds, that are recognised in Union or Member State law.

Or. en

Amendment 434
Cornelia Ernst

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Moreover the Management Board may, in agreement with the European Data Protection Supervisor, authorise a set of transfers in conformity with points (a) to (d) above, taking into account of the existence of safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals, for a period not exceeding one year, renewable.

deleted

Or. en

Amendment 435
Renate Weber

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Moreover the Management Board may, in agreement with the European Data Protection Supervisor, authorise a set of transfers in conformity with points (a) to (d) above, taking into account of the existence of safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals, for a period not exceeding one year, renewable.

Amendment

The Executive Director of Europol shall in all circumstances consider the level of respect of human rights, democracy and the rule of law in the third country to which data could be transferred, the purposes for which these data are used, the data-protection level applicable to the body in question with a view to balancing this data-protection level with those interests, as well as reciprocity in the exchange of information.

The Executive Director of Europol shall immediately inform the Management Board, the European Data Protection Supervisor, the European Parliament, the Commission and the Council, on any decision taken in the implementation of this article.

The Executive Director shall obtain the authorisation as soon as possible of the Management Board, in agreement with the European Data Protection Supervisor.

Or. en

Amendment 436
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Moreover the Management Board may, in agreement with the European Data Protection Supervisor, authorise a set of transfers in conformity with points (a) to

Amendment

Moreover the Management Board may, in agreement with the European Data Protection Supervisor **and the Joint Supervisory Authority**, authorise a set of

(d) above, taking into account of the existence of safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals, for a period not exceeding one year, renewable.

transfers in conformity with points (a) to (d) above ***on a case-by-case basis and*** taking into account of the existence of safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals, for a period not exceeding one year, renewable.

Or. en

Amendment 437
Rui Tavares

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Moreover ***the Management Board may, in agreement with*** the European Data Protection Supervisor, authorise a set of transfers in conformity with points (a) to (d) above, ***taking into account of the existence of*** safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals, for a period not exceeding one year, renewable.

Amendment

The Executive Director shall in all circumstances consider the data-protection level applicable in the third country in question, taking into account the nature of the data, the purpose for which the data is intended, the duration of the intended processing, the general or specific data-protection provisions applying in that country, and whether or not specific conditions required by Europol concerning the data have been accepted.

Derogations may not be applicable to systematic, massive or structural transfers. No transfers shall be authorised where there is a serious risk that as a result of such transfer a data subject may be subjected to torture, inhuman and degrading treatment or any other violation of his or her fundamental rights.

The transfer shall be duly documented and the documentation shall be made available to the European Data Protection Supervisor.

Moreover ***the European Data Protection Supervisor*** may authorise a ***transfer or*** a set of transfers in conformity with points

(a) to *(d a)* above, ***adducing adequate*** safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals, for a period not exceeding one year, renewable

Or. en

Amendment 438
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 31 – paragraph 3

Text proposed by the Commission

3. The Executive Director shall inform the Management Board and the European Data Protection Supervisor of cases where he/she applied paragraph 2.

Amendment

3. The Executive Director shall inform ***without delay*** the Management Board and the European Data Protection Supervisor of cases where he/she applied paragraph 2.

Or. en

Amendment 439
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 31 – paragraph 3

Text proposed by the Commission

3. The Executive Director shall inform the Management Board ***and*** the European Data Protection Supervisor of cases where ***he/she*** applied paragraph 2.

Amendment

3. The Executive Director shall inform the Management Board, the European Data Protection Supervisor ***and the Joint Supervisory Authority*** of cases where ***it*** applied paragraph 2.

Or. en

Amendment 440
Cornelia Ernst

Proposal for a regulation
Article 31 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Europol shall keep documentation of all transfers under paragraphs 1 and 2 of this Article.

Or. en

Amendment 441
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 32 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. In so far as necessary for Europol to perform its tasks, Europol may process personal data originating from private parties on condition that are received via:

1. In so far as necessary for Europol to perform its tasks, Europol may process personal data originating from private parties **and may receive such data directly if the national law applicable to the private party in question provides for the direct transfer of such data to the law enforcement authorities. In such cases, Europol shall immediately forward all the information, in particular personal data, to the National Units concerned.**

Where the applicable national law makes no provision for a direct transfer of this kind, personal data may be received only on condition that *they* are received via:

Or. es

Justification

Replaces amendment 98 tabled by the rapporteur, Agustín Díaz de Mera García Consuegra.

Amendment 442
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 32 – paragraph 1 – introductory part

Text proposed by the Commission

1. In so far as necessary for Europol to perform its tasks, Europol may process personal data originating from private parties on condition that **are** received via:

Amendment

1. In so far as necessary for Europol to perform its tasks, Europol may process personal data originating from private parties on condition that **they are not** received **directly from the private parties but only** via:

Or. en

Amendment 443
Josef Weidenholzer

Proposal for a regulation
Article 32 – paragraph 1 – introductory part

Text proposed by the Commission

1. In so far as necessary for Europol to perform its tasks, Europol may process personal data originating from private parties on condition that **are** received via:

Amendment

1. In so far as necessary for Europol to perform its tasks, Europol may process personal data originating from private parties on condition that **they are not** received **directly from the private parties but only** via:

Or. en

Amendment 444
Josef Weidenholzer

Proposal for a regulation
Article 32 – paragraph 3

Text proposed by the Commission

3. Europol shall not contact private parties **directly** to retrieve personal data.

Amendment

3. Europol shall not contact private parties to retrieve personal data.

Or. de

Amendment 445
Cornelia Ernst

Proposal for a regulation
Article 32 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall evaluate the necessity and possible impact of direct exchanges of personal data with private parties within three years after this Regulation is applicable. Such an evaluation shall specify among others the reasons whether the exchanges of personal data with private parties is necessary for Europol.

deleted

Or. en

Amendment 446
Josef Weidenholzer

Proposal for a regulation
Article 32 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall evaluate the necessity and possible impact of direct exchanges of personal data with private parties within three years after this Regulation is applicable. Such an evaluation shall specify among others the reasons whether the exchanges of personal data with private parties is necessary for Europol.

deleted

Or. de

Amendment 447
Josef Weidenholzer

Proposal for a regulation
Article 33 – paragraph 3

Text proposed by the Commission

3. Europol shall not contact private persons *directly* to retrieve information.

Amendment

3. Europol shall not contact private persons to retrieve information.

Or. de

Amendment 448
Cornelia Ernst

Proposal for a regulation
Article 34 – paragraph 1 – point a

Text proposed by the Commission

(a) processed fairly *and* lawfully;

Amendment

(a) processed fairly, lawfully *and in a transparent manner*;

Or. en

Amendment 449
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 34 – paragraph 1 – point a

Text proposed by the Commission

(a) processed fairly and lawfully;

Amendment

(a) processed fairly and lawfully *and in a transparent and verifiable manner in relation to the data subject*;

Or. en

Amendment 450
Josef Weidenholzer

Proposal for a regulation
Article 34 – paragraph 1 – point a

Text proposed by the Commission

(a) processed fairly and lawfully;

Amendment

(a) processed fairly and lawfully ***and in a transparent and verifiable manner in relation to the data subject,***

Or. en

Amendment 451
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 34 – paragraph 1 – point c

Text proposed by the Commission

(c) adequate, relevant, and ***not excessive*** in relation to the purposes for which they are processed;

Amendment

(c) adequate, relevant, and ***limited to the minimum necessary*** in relation to the purposes for which they are processed;

Or. en

Amendment 452
Josef Weidenholzer

Proposal for a regulation
Article 34 – paragraph 1 – point c

Text proposed by the Commission

(c) adequate, relevant, and ***not excessive*** in relation to the purposes for which they are processed;

Amendment

(c) adequate, relevant, and ***limited to the minimum necessary*** in relation to the purposes for which they are processed;

Or. en

Amendment 453
Renate Weber

Proposal for a regulation
Article 34 – paragraph 1 – point c

Text proposed by the Commission

(c) adequate, relevant, and not excessive in relation to the purposes for which they are processed;

Amendment

(c) adequate, relevant, **limited** and not excessive in relation to the purposes for which they are processed; **any form of data mining, profiling or general surveillance shall be prohibited;**

Or. en

Amendment 454
Carlos Coelho

Proposal for a regulation
Article 34 – paragraph 1 – point d

Text proposed by the Commission

(d) accurate and, **where necessary**, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

Amendment

(d) accurate and **always** kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

Or. en

Justification

The obligation to have data kept up to date should always apply.

Amendment 455
Agustín Díaz de Mera García Consuegra, Josef Weidenholzer, Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 34 – paragraph 1 – point d

Text proposed by the Commission

(d) accurate and, **where necessary**, kept up

Amendment

(d) accurate and kept up to date; every

to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

Or. en

Justification

Data should always be accurate and kept up to date.

Amendment 456

Rui Tavares, Cornelia Ernst

Proposal for a regulation

Article 34 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) processed only by duly authorized staff who needs them for the performance of their task;

Or. en

Amendment 457

Josef Weidenholzer

Proposal for a regulation

Article 34 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) kept in a form which permits complete deletion.

Or. de

Amendment 458

Josef Weidenholzer

Proposal for a regulation
Article 34 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) processed only by duly authorized staff who needs them for the performance of their task

Or. en

Amendment 459
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 34 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) processed in a way that effectively allows for the data subject to exercise his/her rights.

Or. en

Amendment 460
Josef Weidenholzer

Proposal for a regulation
Article 34 – paragraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(ec) processed in a way that effectively allows for the data subject to exercise his/her rights.

Or. en

Amendment 461
Josef Weidenholzer

Proposal for a regulation
Article 34 – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. Europol shall make publicly available a document setting out in an intelligible form the provisions regarding the processing of personal data and the means available for the exercise of the rights of data subjects.

Or. en

Amendment 462
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 34 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Europol shall make publicly available a document setting out in an intelligible form the provisions regarding the processing of personal data and the means available for the exercise of the rights of data subjects.

Or. en

Amendment 463
Rui Tavares

Proposal for a regulation
Article 35 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The source of information originating from a Member State shall be assessed ***as far as possible*** by the providing Member State using the following source evaluation

1. The source of information originating from a Member State shall be assessed by the providing Member State using the following source evaluation codes:

codes:

Or. en

Amendment 464
Cornelia Ernst

Proposal for a regulation
Article 35 – paragraph 1 – introductory part

Text proposed by the Commission

1. The source of information originating from a Member State shall be assessed **as far as possible** by the providing Member State using the following source evaluation codes:

Amendment

1. The source of information originating from a Member State shall be assessed by the providing Member State using the following source evaluation codes:

Or. en

Amendment 465
Sophia in 't Veld

Proposal for a regulation
Article 35 – paragraph 1 – introductory part

Text proposed by the Commission

1. The source of information originating from a Member State shall be assessed **as far as possible** by the providing Member State using the following source evaluation codes:

Amendment

1. The source of information originating from a Member State shall be assessed by the providing Member State using the following source evaluation codes:

Or. en

Amendment 466
Josef Weidenholzer

Proposal for a regulation
Article 35 – paragraph 1 – introductory part

Text proposed by the Commission

1. The source of information originating from a Member State shall be assessed ***as far as possible*** by the providing Member State using the following source evaluation codes:

Amendment

1. The source of information originating from a Member State shall be assessed by the providing Member State using the following source evaluation codes:

Or. de

Amendment 467

Rui Tavares

Proposal for a regulation

Article 35 – paragraph 2 – introductory part

Text proposed by the Commission

2. Information originating from a Member State shall be assessed ***as far as possible*** by the Member State providing information on the basis of its reliability using the following information evaluation codes:

Amendment

2. Information originating from a Member State shall be assessed by the Member State providing information on the basis of its reliability using the following information evaluation codes:

Or. en

Amendment 468

Cornelia Ernst

Proposal for a regulation

Article 35 – paragraph 2 – introductory part

Text proposed by the Commission

2. Information originating from a Member State shall be assessed ***as far as possible*** by the Member State providing information on the basis of its reliability using the following information evaluation codes:

Amendment

2. Information originating from a Member State shall be assessed by the Member State providing information on the basis of its reliability using the following information evaluation codes:

Or. en

Amendment 469
Sophia in 't Veld

Proposal for a regulation
Article 35 – paragraph 2 – introductory part

Text proposed by the Commission

2. Information originating from a Member State shall be assessed *as far as possible* by the Member State providing information on the basis of its reliability using the following information evaluation codes:

Amendment

2. Information originating from a Member State shall be assessed by the Member State providing information on the basis of its reliability using the following information evaluation codes:

Or. en

Amendment 470
Cornelia Ernst

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

4. Where Europol receives information from a Member State without an assessment, Europol shall attempt *as far as possible* to assess the reliability of the source or the information on the basis of information already in its possession. The assessment of specific data and information shall take place in agreement with the supplying Member State. A Member State may also agree with Europol in general terms on the assessment of specified types of data and specified sources. If no agreement is reached in a specific case, or no agreement in general terms exists, Europol shall evaluate the information or data and shall attribute to such information or data the evaluation codes (X) and (4), referred to in paragraphs 1 and 2.

Amendment

4. Where Europol receives information from a Member State without an assessment, Europol shall attempt to assess the reliability of the source or the information on the basis of information already in its possession. The assessment of specific data and information shall take place in agreement with the supplying Member State. A Member State may also agree with Europol in general terms on the assessment of specified types of data and specified sources. If no agreement is reached in a specific case, or no agreement in general terms exists, Europol shall evaluate the information or data and shall attribute to such information or data the evaluation codes (X) and (4), referred to in paragraphs 1 and 2.

Or. en

Amendment 471

Rui Tavares

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission

4. Where Europol receives information from a Member State without an assessment, Europol shall ***attempt as far as possible to*** assess the reliability of the source or the information on the basis of information already in its possession. The assessment of specific data and information shall take place in agreement with the supplying Member State. A Member State may also agree with Europol in general terms on the assessment of specified types of data and specified sources. If no agreement is reached in a specific case, or no agreement in general terms exists, Europol shall evaluate the information or data and shall attribute to such information or data the evaluation codes (X) and (4), referred to in paragraphs 1 and 2.

Amendment

4. Where Europol receives information from a Member State without an assessment, Europol shall assess the reliability of the source or the information on the basis of information already in its possession. The assessment of specific data and information shall take place in agreement with the supplying Member State. A Member State may also agree with Europol in general terms on the assessment of specified types of data and specified sources. If no agreement is reached in a specific case, or no agreement in general terms exists, Europol shall evaluate the information or data and shall attribute to such information or data the evaluation codes (X) and (4), referred to in paragraphs 1 and 2.

Or. en

Amendment 472

Josef Weidenholzer

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission

4. Where Europol receives information from a Member State without an assessment, Europol shall attempt ***as far as possible to*** assess the reliability of the source or the information on the basis of information already in its possession. The assessment of specific data and information shall take place in agreement with the supplying Member State. A Member State

Amendment

4. Where Europol receives information from a Member State without an assessment, Europol shall attempt to assess the reliability of the source or the information on the basis of information already in its possession. The assessment of specific data and information shall take place in agreement with the supplying Member State. A Member State may also

may also agree with Europol in general terms on the assessment of specified types of data and specified sources. If no agreement is reached in a specific case, or no agreement in general terms exists, Europol shall evaluate the information or data and shall attribute to such information or data the evaluation codes (X) and (4), referred to in paragraphs 1 and 2.

agree with Europol in general terms on the assessment of specified types of data and specified sources. If no agreement is reached in a specific case, or no agreement in general terms exists, Europol shall evaluate the information or data and shall attribute to such information or data the evaluation codes (X) and (4), referred to in paragraphs 1 and 2.

Or. en

Amendment 473
Sophia in 't Veld

Proposal for a regulation
Article 35 – paragraph 6

Text proposed by the Commission

6. Information from publicly-available sources shall be assessed by Europol using the evaluation codes *set out in paragraphs 1 and 2*.

Amendment

6. Information from publicly-available sources shall be assessed by Europol using the evaluation codes **(X)** and **(4)**.

Or. en

Amendment 474
Cornelia Ernst

Proposal for a regulation
Article 35 – paragraph 6

Text proposed by the Commission

6. Information from publicly-available sources shall be assessed by Europol using the evaluation codes set out in paragraphs 1 and 2.

Amendment

6. Information from publicly-available sources shall be assessed by Europol using the evaluation codes set out in paragraphs 1 and 2. ***Where it is not possible to verify the reliability of the source of information, it shall always be code (X) and (4), as applicable according to paragraphs 1 and 2.***

Amendment 475
Josef Weidenholzer

Proposal for a regulation
Article 35 – paragraph 6

Text proposed by the Commission

6. Information from publicly-available sources shall be assessed by Europol using the evaluation codes set out in paragraphs 1 and 2.

Amendment

6. Information from publicly-available sources shall be assessed by Europol using the evaluation codes set out in paragraphs 1 and 2.. ***Where the accuracy of the information and the reliability of its source cannot be corroborated by other reliable sources, Europol shall attribute to such information the evaluation code (X) and (4) referred to in paragraphs 1 and 2.***

Or. en

Amendment 476
Sophia in 't Veld

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission

1. Processing of personal data on victims of a criminal offence, witnesses or other persons who can provide information on criminal offences, or on persons under the age of 18 shall be prohibited unless it is strictly necessary for preventing or combating crime that falls under Europol's objectives.

Amendment

1. Processing of personal data on victims of a criminal offence, witnesses or other persons who can provide information on criminal offences, or on persons under the age of 18 shall be prohibited unless it is strictly necessary ***and duly justified*** for preventing or combating crime that falls under Europol's objectives.

Or. en

Amendment 477
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission

1. Processing of personal data on victims of a criminal offence, witnesses or other persons who can provide information on criminal offences, or on persons under the age of 18 shall be prohibited unless it is strictly necessary for preventing or combating crime that falls under Europol's objectives.

Amendment

1. Processing of personal data on victims of a criminal offence, witnesses or other persons who can provide information on criminal offences, or on persons under the age of 18 shall be prohibited unless it is strictly necessary ***and duly justified*** for preventing or combating crime that falls under Europol's objectives.

Or. en

Amendment 478
Josef Weidenholzer

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission

1. Processing of personal data on victims of a criminal offence, witnesses or other persons who can provide information on criminal offences, or on persons under the age of 18 shall be prohibited unless it is strictly necessary for preventing or combating crime that falls under Europol's objectives.

Amendment

1. Processing of personal data on victims of a criminal offence, witnesses or other persons who can provide information on criminal offences, or on persons under the age of 18 shall be prohibited unless it is strictly necessary ***and duly justified*** for preventing or combating crime that falls under Europol's objectives

Or. en

Amendment 479
Sophia in 't Veld

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

2. Processing of personal data, by automated or other means, revealing racial or ethnic origin, political opinions, religion or beliefs, trade-union membership and of data concerning health or sex life shall be prohibited, unless it is strictly necessary for preventing or combating crime that falls under Europol's objectives and if those data supplement other personal data already processed by Europol.

Amendment

2. Processing of personal data, by automated or other means, revealing racial or ethnic origin, political opinions, religion or beliefs, trade-union membership and of data concerning health or sex life shall be prohibited, unless it is strictly necessary ***and duly justified*** for preventing or combating crime that falls under Europol's objectives and if those data supplement other personal data already processed by Europol.

Or. en

Amendment 480
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

2. Processing of personal data, by automated or other means, revealing racial ***or*** ethnic origin, political opinions, religion or beliefs, trade-union membership and of data concerning health or sex life shall be prohibited, unless it is strictly necessary for preventing or combating crime that falls under Europol's objectives and if those data supplement other personal data already processed by Europol.

Amendment

2. Processing of personal data, by automated or other means, revealing racial, ethnic ***or social*** origin, political opinions, religion or beliefs, trade-union membership and of data concerning health or sex life shall be prohibited, unless it is strictly necessary ***and duly justified*** for preventing or combating crime that falls under Europol's objectives and if those data supplement other personal data already processed by Europol.

Or. en

Justification

Taken from Charter of Fundamental Rights.

Amendment 481
Josef Weidenholzer

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

2. Processing of personal data, by automated or other means, revealing racial or ethnic origin, political opinions, religion or beliefs, trade-union membership and of data concerning health or sex life shall be prohibited, unless it is strictly necessary for preventing or combating crime that falls under Europol's objectives and if those data supplement other personal data already processed by Europol.

Amendment

2. Processing of personal data, by automated or other means, revealing racial or ethnic origin, political opinions, religion or beliefs, trade-union membership and of data concerning health or sex life shall be prohibited, unless it is strictly necessary **and duly justified** for preventing or combating crime that falls under Europol's objectives and if those data supplement other personal data already processed by Europol.

Or. en

Amendment 482
Cornelia Ernst

Proposal for a regulation
Article 36 – paragraph 4

Text proposed by the Commission

4. No decision which produces legal effects **concerning** a data subject shall be based **solely** on automated processing of data referred to in paragraph 2, unless the decision is expressly authorised pursuant to national or Union legislation **or, if necessary, by the European Data Protection Supervisor.**

Amendment

4. No decision which produces legal effects **or otherwise significantly concerns** a data subject shall be based on automated processing of data referred to in paragraph 2, unless the decision is expressly authorised pursuant to national or Union legislation.

Or. en

Amendment 483
Josef Weidenholzer

Proposal for a regulation
Article 36 – paragraph 4

Text proposed by the Commission

4. No decision which produces legal effects concerning a data subject shall be based solely on automated processing of data referred to in paragraph 2, unless the decision is expressly authorised pursuant to national or Union legislation or, *if necessary*, by the European Data Protection Supervisor.

Amendment

4. No decision which produces legal effects concerning a data subject shall be based solely on automated processing of data referred to in paragraph 2, unless the decision is expressly authorised pursuant to national or Union legislation or by the European Data Protection Supervisor.

Or. de

Amendment 484
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 36 – paragraph 4

Text proposed by the Commission

4. No decision which produces legal effects concerning a data subject shall be based solely on automated processing of data referred to in paragraph 2, unless the decision is expressly authorised pursuant to national or Union legislation or, if necessary, by the *European Data Protection Supervisor*.

Amendment

4. No decision which produces legal effects concerning a data subject shall be based solely on automated processing of data referred to in paragraph 2, unless the decision is expressly authorised pursuant to national or Union legislation or, if necessary, by the *Joint Supervisory Authority*.

Or. en

Amendment 485
Sophia in 't Veld

Proposal for a regulation
Article 36 – paragraph 5

Text proposed by the Commission

5. Personal data referred to in paragraphs 1

Amendment

5. Personal data referred to in paragraphs 1

and 2 shall not be transmitted to Member States, Union bodies, third countries or international organisations unless strictly necessary in individual cases concerning crime that falls under Europol's objectives.

and 2 shall not be transmitted to Member States, Union bodies, third countries or international organisations unless strictly necessary ***and duly justified*** in individual cases concerning crime that falls under Europol's objectives ***and in accordance with Chapter VI of this Regulation.***

Or. en

Amendment 486
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 36 – paragraph 5

Text proposed by the Commission

5. Personal data referred to in paragraphs 1 and 2 shall not be transmitted to Member States, Union bodies, third countries or international organisations unless strictly necessary in individual cases concerning crime that falls under Europol's objectives.

Amendment

5. Personal data referred to in paragraphs 1 and 2 shall not be transmitted to Member States, Union bodies, third countries or international organisations unless strictly necessary ***and duly justified*** in individual cases concerning crime that falls under Europol's objectives. ***Such transmission shall be in accordance with the provisions laid down in Chapter VI of this Regulation.***

Or. en

Amendment 487
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 36 – paragraph 6

Text proposed by the Commission

6. Every six months Europol shall provide ***an overview of*** all personal data referred to in ***paragraph 2*** processed by it to the European Data Protection Supervisor.

Amendment

6. Every six months Europol shall provide ***for each purpose statistics on*** all personal data referred to in ***paragraphs 1 and 2*** processed by it to the European Data Protection Supervisor.

Amendment 488

Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation

Article 36 – paragraph 6

Text proposed by the Commission

6. Every six months Europol shall **provide** an overview of all personal data referred to in paragraph 2 processed by it to the European Data Protection Supervisor.

Amendment

6. Every six months Europol shall **make** an overview of all personal data referred to in paragraph 2 processed by it, **available at Europol**, to the European Data Protection Supervisor **and the Joint Supervisory Authority**.

Justification

The obligation to provide an overview of the data, creates an unnecessary transmission of sensitive data that cannot be effectively assessed by the Supervisory Authority without the context in which the data are processed.

Amendment 489

Rui Tavares

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

1. Personal data processed by Europol shall be stored by Europol only as long as necessary for the **achievement of its objectives**.

Amendment

1. Personal data processed by Europol shall be stored by Europol only as long as necessary for the **purpose for which data are processed**.

Amendment 490

Sophia in 't Veld

Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission

1. Personal data processed by Europol shall be stored by Europol only as long as necessary for the *achievement of its objectives*.

Amendment

1. Personal data processed by Europol shall be stored by Europol only as long as necessary for the *purpose for which data are processed*.

Or. en

Amendment 491
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission

1. Personal data processed by Europol shall be stored by Europol only as long as necessary for the *achievement of its objectives*.

Amendment

1. Personal data processed by Europol shall be stored by Europol only as long as *strictly* necessary for the *purposes for which the data are processed*.

Or. en

Amendment 492
Josef Weidenholzer

Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission

1. Personal data processed by Europol shall be stored by Europol only as long as necessary for the *achievement of its objectives*.

Amendment

1. Personal data processed by Europol shall be stored by Europol only as long as necessary for the *purpose for which data are processed*

Or. en

Amendment 493
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 37 – paragraph 6 – point a

Text proposed by the Commission

(a) this would damage the interests of a data subject who requires protection. In such cases, the data shall be used only with the consent of the data subject.

Amendment

(a) this would damage the interests of a data subject who requires protection. In such cases, the data shall be used only with the *express and written* consent of the data subject.

Or. en

Amendment 494
Josef Weidenholzer

Proposal for a regulation
Article 37 – paragraph 6 – point a

Text proposed by the Commission

(a) this would damage the interests of a data subject who requires protection. In such cases, the data shall be used only with the consent of the data subject.

Amendment

(a) this would damage the interests of a data subject who requires protection. In such cases, the data shall be used only with the *express* consent of the data subject.

Or. de

Amendment 495
Josef Weidenholzer

Proposal for a regulation
Article 37 – paragraph 6 – point a

Text proposed by the Commission

(a) this would damage the interests of a data subject who requires protection. In such cases, the data shall be used only with the consent of the data subject.

Amendment

(a) this would damage the interests of a data subject who requires protection. In such cases, the data shall be used only with the *express and written* consent of the data subject.

Amendment 496
Josef Weidenholzer

Proposal for a regulation
Article 37 – paragraph 6 – point c

Text proposed by the Commission

(c) the personal data have to be maintained for purposes of proof;

Amendment

(c) the personal data have to be maintained for purposes of proof *or for the establishment, exercise or defence of legal claims*

Or. en

Amendment 497
Josef Weidenholzer

Proposal for a regulation
Article 37 a (new)

Text proposed by the Commission

Amendment

Article 37a

Data protection by design and by default

1. Europol shall implement appropriate technical and organisational measures and procedures in such a way that the processing will meet the requirements of provisions adopted pursuant to this Regulation and ensure the protection of the rights of the data subject.

2. Europol shall implement mechanisms for ensuring that, by default, only those personal data which are necessary for the purposes of the processing are processed.

Or. en

Amendment 498
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 38 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) ensure that it is possible to verify and establish what data have been accessed by which member of personnel and at what time (access log);

Or. en

Amendment 499
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Europol shall notify a personal data breach to the data protection officer, to the Data Protection Supervisor and to the Joint Supervisory Authority.

Or. en

Justification

Intends to bring more consistency with the draft Directive on the protection of individuals with regard to the processing in the area of law enforcement.

Amendment 500
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 38 a (new)

Text proposed by the Commission

Amendment

Article 38a

Data protection by design and by default

1. Europol shall implement appropriate technical and organisational measures and procedures in such a way that the processing will meet the requirements of provisions adopted pursuant to this Regulation and ensure the protection of the rights of the data subject.

2. Europol shall implement mechanisms for ensuring that, by default, only those personal data which are necessary for the purposes of the processing are processed.

Or. en

Amendment 501
Josef Weidenholzer

Proposal for a regulation
Article 38 a (new)

Text proposed by the Commission

Amendment

Article 38a

Notification of a personal data breach to the European Data Protection Supervisor

1. In the case of a personal data breach, Europol shall notify, without undue delay and, where feasible, not later than 24 hours after having become aware of it, the personal data breach to the European Data Protection Supervisor. Europol shall provide, on request, a reasoned justification in cases where the notification is not made within 24 hours.

2. The notification referred to in paragraph 1 shall at least:

(a) describe the nature of the personal data breach including the categories and

number of data subjects concerned and the categories and number of data records concerned;

(b) recommend measures to mitigate the possible adverse effects of the personal data breach;

(c) describe the possible consequences of the personal data breach;

(d) describe the measures proposed or taken by the controller to address the personal data breach.

3. Europol shall document any personal data breaches, comprising the facts surrounding the breach, its effects and the remedial action taken, enabling the European Data Protection Supervisor to verify compliance with this Article.

Or. en

Amendment 502
Josef Weidenholzer

Proposal for a regulation
Article 38 b (new)

Text proposed by the Commission

Amendment

Article 38b

Communication of a personal data breach to the data subject

1. Where a personal data breach referred to in Article 38a is likely to adversely affect the protection of the personal data or privacy of the data subject, Europol shall, communicate the personal data breach to the data subject without undue delay.

2. The communication to the data subject referred to in paragraph 1 shall describe the nature of the personal data breach and contain the identity and contact details of the data protection officer

referred to in Article 44.

3. The communication of a personal data breach to the data subject shall not be required if Europol demonstrates to the satisfaction of the European Data Protection Supervisor that it has implemented appropriate technological protection measures, and that those measures were applied to the personal data concerned by the personal data breach. Such technological protection measures shall render the data unintelligible to any person who is not authorised to access it.

4. The communication to the data subject may be delayed, restricted or omitted where it is necessary and proportionate measure with due regard for the legitimate interests of the person concerned:

(a) to avoid obstructing official or legal inquiries, investigations or procedures;

(b) to avoid prejudicing the prevention, detection, investigation and prosecution of criminal offences or for the execution of criminal penalties;

(c) to protect public and national security;

(d) protect the rights and freedoms of third parties.

Or. en

Amendment 503
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 38 b (new)

Text proposed by the Commission

Amendment

Article 38b

Notification of a personal data breach to

the European Data Protection Supervisor

1. In the case of a personal data breach, Europol shall notify, without undue delay and, where feasible, not later than 72 hours after having become aware of it, the personal data breach to the European Data Protection Supervisor. Europol shall provide, on request, a reasoned justification in cases where the notification is not made within 72 hours.

2. The notification referred to in paragraph 1 shall at least:

(a) describe the nature of the personal data breach including the categories and number of data subjects concerned and the categories and number of data records concerned;

(b) recommend measures to mitigate the possible adverse effects of the personal data breach;

(c) describe the possible consequences of the personal data breach;

(d) describe the measures proposed or taken by the controller to address the personal data breach.

3. Europol shall document any personal data breaches, comprising the facts surrounding the breach, its effects and the remedial action taken, enabling the European Data Protection Supervisor to verify compliance with this Article.

Or. en

Amendment 504
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 38 c (new)

Article 38c

Communication of a personal data breach to the data subject

1. Where a personal data breach referred to in Article 38a is likely to adversely affect the protection of the personal data or privacy of the data subject, Europol shall, communicate the personal data breach to the data subject without undue delay.

2. The communication to the data subject referred to in paragraph 1 shall describe the nature of the personal data breach and contain the identity and contact details of the data protection officer referred to in Article 44.

3. The communication of a personal data breach to the data subject shall not be required if Europol demonstrates to the satisfaction of the European Data Protection Supervisor that it has implemented appropriate technological protection measures, and that those measures were applied to the personal data concerned by the personal data breach. Such technological protection measures shall render the data unintelligible to any person who is not authorised to access it.

4. The communication to the data subject may be delayed, restricted or omitted where it is necessary and proportionate measure with due regard for the legitimate interests of the person concerned:

(a) to avoid obstructing official or legal inquiries, investigations or procedures;

(b) to avoid prejudicing the prevention, detection, investigation and prosecution of criminal offences or for the execution of criminal penalties;

- (c) to protect public and national security;*
- (d) protect the rights and freedoms of third parties.*

Or. en

Amendment 505
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 39 – paragraph 1 – introductory part

Text proposed by the Commission

1. Any data subject shall have the right, at reasonable intervals, to obtain information on whether personal data relating to him/her are processed by Europol. Where such personal data are being processed, Europol shall provide the following information to the data subject:

Amendment

1. Any data subject shall have the right, at reasonable intervals, to obtain information on whether personal data relating to him/her are processed by Europol. Where such personal data are being processed, Europol shall provide *at least* the following information to the data subject:

Or. en

Amendment 506
Carlos Coelho

Proposal for a regulation
Article 39 – paragraph 1 – point a

Text proposed by the Commission

(a) confirmation as to whether or not data related to him/her are being processed;

Amendment

deleted

Or. en

Justification

It creates an inconsistency, because it should not be possible to answer a data subject whose data are processed that no data are processed.

Amendment 507
Cornelia Ernst

Proposal for a regulation
Article 39 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) confirmation as to whether or not data related to him/her are being processed; *deleted*

Or. en

Amendment 508
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 39 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) existence of the right to request from Europol rectification, erasure or restriction of processing of personal data;

Or. en

Amendment 509
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 39 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) information at least as to the purposes of the processing operation, the categories of data concerned, and the recipients to whom the data are disclosed;

(b) information at least as to the purposes of the processing operation, the categories of data concerned, *the period for which the data will be stored*, and the recipients to whom the data are disclosed;

Or. en

Amendment 510
Sophia in 't Veld

Proposal for a regulation
Article 39 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the period for which the data will be stored;

Or. en

Amendment 511
Josef Weidenholzer

Proposal for a regulation
Article 39 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) an indication of the legal basis for processing the data.

Or. de

Amendment 512
Josef Weidenholzer

Proposal for a regulation
Article 39 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) existence of the right to request from Europol rectification, erasure or restriction of processing of personal data;

Or. en

Amendment 513
Sophia in 't Veld

Proposal for a regulation
Article 39 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the existence of the right to request from Europol rectification, erasure or restriction of processing of personal data concerning the data subject;

Or. en

Amendment 514
Sophia in 't Veld

Proposal for a regulation
Article 39 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) a copy of the data undergoing processing;

Or. en

Amendment 515
Sophia in 't Veld

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission

Amendment

2. Any data subject wishing to exercise the right of access to personal data may make a request to that effect ***without excessive costs*** to the authority appointed for this purpose in the Member State of his/her choice. That authority shall refer the request to Europol without delay and in any case within one month of receipt.

2. Any data subject wishing to exercise the right of access to personal data may make a request to that effect to the authority appointed for this purpose in the Member State of his/her choice. That authority shall refer the request to Europol without delay and in any case within one month of receipt.

Or. en

Amendment 516
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission

2. Any data subject wishing to exercise the right of access to personal data may make a request to that effect ***without excessive costs*** to the authority appointed for this purpose in the Member State of his/her choice. That authority shall refer the request to Europol without delay and in any case within one month of receipt.

Amendment

2. Any data subject wishing to exercise the right of access to personal data may make a request to that effect ***free of charge*** to the authority appointed for this purpose in the Member State of his/her choice. That authority shall refer the request to Europol without delay and in any case within one month of receipt.

Or. en

Amendment 517
Josef Weidenholzer

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission

2. Any data subject wishing to exercise the right of access to personal data may make a request to that effect ***without excessive costs*** to the authority appointed for this purpose in the Member State of his/her choice. That authority shall refer the request to Europol without delay and in any case within one month of receipt.

Amendment

2. Any data subject wishing to exercise the right of access to personal data may make a request to that effect to the authority appointed for this purpose in the Member State of his/her choice. That authority shall refer the request to Europol without delay and in any case within one month of receipt. ***Europol shall confirm receipt of the request.***

Or. de

Amendment 518
Rui Tavares

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

3. Europol shall answer the request without undue delay and in any case within three months of *its* receipt.

Amendment

3. Europol shall answer the request without undue delay and in any case within three months of *the* receipt *of the request from the national authority*.

Or. en

Amendment 519
Cornelia Ernst

Proposal for a regulation
Article 39 – paragraph 5 – introductory part

Text proposed by the Commission

5. *Access to personal data shall* be refused or restricted, *if it constitutes a necessary measure* to:

Amendment

5. *Provision of information in response to a request pursuant to this Article may only* be refused or restricted *to the extent that such restriction, partial or complete refusal is necessary* to:

Or. en

Amendment 520
Carlos Coelho

Proposal for a regulation
Article 39 – paragraph 5 – introductory part

Text proposed by the Commission

5. *Access to personal data* shall be refused or restricted, *if it constitutes* a necessary measure to:

Amendment

5. *The provision of information in response to a request under paragraph 1* shall be refused *to the extent that such partial or complete refusal is* a necessary measure to:

Or. en

Justification

Where an exemption is applied, it has to be demonstrated to what data it is applied. In cases where an exemption is only necessary for part of the data processed, partial access should be obligatory.

Amendment 521
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 39 – paragraph 5 – point b

Text proposed by the Commission

Amendment

(b) protect *security and* public order in the Member States or to prevent crime;

(b) protect public order in the Member States or to prevent *serious* crime;

Or. en

Amendment 522
Cornelia Ernst

Proposal for a regulation
Article 39 – paragraph 5 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Any decision on the restriction or refusal of the information requested should take into account the fundamental rights and interests of the data subject.

Or. en

Amendment 523
Sophia in 't Veld

Proposal for a regulation
Article 39 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Europol shall adopt a transparent and easily accessible policy explaining its processing of personal data and the means available for the exercise of the data subject's rights, using clear and plain language and ensure that it is easily available on its website and that of the national supervisory authorities.

Or. en

Amendment 524
Josef Weidenholzer

Proposal for a regulation
Article 40 – paragraph 1

Text proposed by the Commission

Amendment

1. Any data subject shall have the right to ask Europol to rectify personal data relating to him/her if they are incorrect and, ***where this is possible and necessary***, to complete or update them.

1. Any data subject shall have the right to ask Europol to rectify personal data relating to him/her if they are incorrect and to complete or update them.

Or. de

Amendment 525
Josef Weidenholzer

Proposal for a regulation
Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. Any data subject shall have the right to ask Europol to erase personal data relating to him/her, ***if they are no longer required for the purposes for which they are lawfully collected or are lawfully further processed***.

2. Any data subject shall have the right to ask Europol to erase personal data relating to him/her.

Amendment 526
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 40 – paragraph 4

Text proposed by the Commission

4. If data as described in paragraphs 1, 2 and 3 held by Europol have been provided to it by third countries, international organisations, or are the results of Europol's own analyses, Europol shall rectify, erase or block such data.

Amendment

4. If data as described in paragraphs 1, 2 and 3 held by Europol have been provided to it by third countries, international organisations, or are the results of Europol's own analyses, Europol shall rectify, erase or block such data ***and inform, where relevant, the originators of the data.***

Or. en

Amendment 527
Josef Weidenholzer

Proposal for a regulation
Article 40 – paragraph 4

Text proposed by the Commission

4. If data as described in paragraphs 1, 2 and 3 held by Europol have been provided to it by third countries, international organisations, or are the results of Europol's own analyses, Europol shall rectify, erase or block such data.

Amendment

4. If data as described in paragraphs 1, 2 and 3 held by Europol have been provided to it by third countries, international organisations, or are the results of Europol's own analyses, Europol shall rectify, erase or block such data ***and inform, where relevant, the originators of the data.***

Or. en

Amendment 528
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 40 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. If the accuracy of an item of personal data is contested by the data subject and this accuracy cannot be ascertained, referencing of that item of data may not take place.

Or. en

Amendment 529
Josef Weidenholzer

Proposal for a regulation
Article 41 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Europol shall store personal data in such a way that they can be rectified and erased.

Or. de

Amendment 530
Sophia in 't Veld

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission

Amendment

2. The responsibility for the quality of personal data as referred to in Article 34(d) shall lie with the Member State which provided the personal data to Europol and with Europol for personal data provided by Union bodies, third countries or international organisations, as well for personal data retrieved by Europol from

2. The responsibility for the quality of personal data as referred to in Article 34(d) shall lie with the Member State which provided the personal data to Europol, **with Union bodies until and including the moment of the transfer** and with Europol for personal data provided by Union bodies, third countries or international

publicly-available sources.

organisations, as well for personal data retrieved by Europol from publicly-available sources.

Or. en

Amendment 531
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission

2. The responsibility for the quality of personal data as referred to in Article 34(d) shall lie with the Member State which provided the personal data to Europol and with Europol for personal data provided by Union bodies, third countries or international organisations, as well for personal data retrieved by Europol from publicly-available sources.

Amendment

2. The responsibility for the quality of personal data as referred to in Article 34(d) shall lie with the Member State which provided the personal data to Europol and with Europol for personal data provided by Union bodies, third countries or international organisations, as well for personal data retrieved by Europol from publicly-available sources. ***Union bodies shall be responsible for the quality of the data until and including the moment of the transfer.***

Or. en

Amendment 532
Cornelia Ernst

Proposal for a regulation
Article 41 – paragraph 4 – introductory part

Text proposed by the Commission

4. The responsibility for the ***legality of transfer*** shall lie:

Amendment

4. The responsibility for the ***applicable data protection principles*** shall lie:

Or. en

Amendment 533
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 41 – paragraph 4 – introductory part

Text proposed by the Commission

4. The responsibility for the legality of transfer shall lie:

Amendment

4. The responsibility for the ***compliance with all applicable data protection requirements, including the*** legality of transfer, shall lie:

Or. en

Amendment 534
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 41 – paragraph 5

Text proposed by the Commission

5. In case of a transfer between Europol and a Union body, the responsibility for the legality of the transfer shall lie with Europol. Without prejudice to the preceding sentence, where the data are transferred by Europol following a request from the recipient, both Europol and recipient shall bear the responsibility for the legality of this transfer. In addition, Europol shall be responsible for all data processing operations carried out by it.

Amendment

5. In case of a transfer between Europol and a Union body, the responsibility for the legality of the transfer shall lie with Europol. Without prejudice to the preceding sentence, where the data are transferred by Europol following a request from the recipient, both Europol and recipient shall bear the responsibility for the legality of this transfer. In addition, Europol shall be responsible for all data processing operations carried out by it. ***Europol shall verify the competence of the recipient and evaluate the necessity for the transfer of the data. If doubts arise as to this necessity, Europol shall seek further information from the recipient. The recipient shall ensure that the need for the transfer of the data can be verified. The recipient shall process the personal data only for the purposes for which they were transmitted.***

Or. en

Amendment 535
Josef Weidenholzer

Proposal for a regulation
Article 41 – paragraph 5

Text proposed by the Commission

5. In case of a transfer between Europol and a Union body, the responsibility for the legality of the transfer shall lie with Europol. Without prejudice to the preceding sentence, where the data are transferred by Europol following a request from the recipient, both Europol and recipient shall bear the responsibility for the legality of this transfer. In addition, Europol shall be responsible for all data processing operations carried out by it.

Amendment

5. In case of a transfer between Europol and a Union body, the responsibility for the legality of the transfer shall lie with Europol. Without prejudice to the preceding sentence, where the data are transferred by Europol following a request from the recipient, both Europol and recipient shall bear the responsibility for the legality of this transfer. In addition, Europol shall be responsible for all data processing operations carried out by it. ***Europol shall verify the competence of the recipient and evaluate the necessity for the transfer of the data. If doubts arise as to this necessity, Europol shall seek further information from the recipient. The recipient shall ensure that the need for the transfer of the data can be verified. The recipient shall process the personal data only for the purposes for which they were transmitted.***

Or. en

Amendment 536
Cornelia Ernst

Proposal for a regulation
Article 41 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where data has been received directly from private parties or natural persons, Europol shall be responsible for the application of data protection principles.

Amendment 537

Rui Tavares

Proposal for a regulation

Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

1. *The processing of personal data which will form part of a new filing system to be created* shall be subject to prior checking where:

Amendment

1. *Any new set of processing of personal data* shall be subject to prior checking where:

Or. en

Amendment 538

Cornelia Ernst

Proposal for a regulation

Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

1. The processing of personal data *which will form part of a new filing system to be created* shall be subject to prior checking where:

Amendment

1. The processing of personal data *in any set of processing operations that serve a single or several related purposes in relation to its core activities* shall be subject to prior checking where:

Or. en

Justification

Suggestion by the EDPS

Amendment 539

Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation

Article 42 – paragraph 2

Text proposed by the Commission

2. The prior checks shall be carried out by the European Data Protection Supervisor following receipt of a notification from the Data Protection Officer who, in case of doubt as to the need for prior checking, shall consult the European Data Protection Supervisor.

Amendment

2. The prior checks shall be carried out by the European Data Protection Supervisor **and the Joint Supervisory Authority** following receipt of a notification from the Data Protection Officer who, in case of doubt as to the need for prior checking, shall consult the European Data Protection Supervisor **and the Joint Supervisory Authority**.

Or. en

Amendment 540
Cornelia Ernst

Proposal for a regulation
Article 42 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The European Data Protection Supervisor shall deliver his/her opinion within two months following receipt of the notification. This period may be suspended until the European Data Protection Supervisor has obtained any further information that he/she may have requested. When the complexity of the matter so requires, this period may also be extended for a further two months, by decision of the European Data Protection Supervisor. This decision shall be notified to Europol prior to expiry of the initial two-month period.

Amendment

The European Data Protection Supervisor shall deliver his/her opinion within two months following receipt of the notification. This period may be suspended **at any time** until the European Data Protection Supervisor has obtained any further information that he/she may have requested. When the complexity of the matter so requires, this period may also be extended for a further two months, by decision of the European Data Protection Supervisor. **No more than two extensions shall be possible**. This decision shall be notified to Europol prior to expiry of the initial two-month period.

Or. en

Amendment 541
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 42 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The European Data Protection Supervisor shall deliver *his/her* opinion within two months following receipt of the notification. This period may be suspended until the *European Data Protection Supervisor has* obtained any further information that *he/she* may have requested. When the complexity of the matter so requires, this period may also be extended for a further two months, by decision of the *European Data Protection Supervisor*. This decision shall be notified to Europol prior to expiry of the initial two-month period.

Amendment

The Joint Supervisory Authority and the European Data Protection Supervisor shall deliver *its* opinion within two months following receipt of the notification. This period may be suspended until the *Supervisory Authorities have* obtained any further information that *it* may have requested. When the complexity of the matter so requires, this period may also be extended for a further two months, by decision of the *Supervisory Authorities*. This decision shall be notified to Europol prior to expiry of the initial two-month period.

Or. en

Amendment 542
Cornelia Ernst

Proposal for a regulation
Article 42 – paragraph 3 – subparagraph 2

Text proposed by the Commission

If the opinion has not been delivered by the end of the two-month period, or any extension thereof, it shall be deemed to be favourable.

Amendment

deleted

Or. en

Amendment 543
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 42 – paragraph 4

Text proposed by the Commission

4. The European Data Protection Supervisor shall keep a register of all processing operations have been notified to **him/her** pursuant to paragraph 1. Such a register shall be integrated into the register referred to in Article 27(5) of Regulation (EC) No 45/2001.

Amendment

4. The European Data Protection Supervisor **and the Joint Supervisory Authority** shall keep a register of all processing operations have been notified to **it** pursuant to paragraph 1. Such a register shall be integrated into the register referred to in Article 27(5) of Regulation (EC) No 45/2001.

Or. en

Amendment 544
Rui Tavares

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

1. For the purposes of verifying the lawfulness of data processing, self-monitoring and ensuring proper data integrity and security Europol shall keep records of collection, alteration, access, disclosure, combination or erasure of personal data. Such logs or documentation shall be deleted after three years, unless the data are further required for on-going control. There shall be no possibility to modify the logs.

Amendment

1. For the purposes of verifying the lawfulness of data processing, self-monitoring and ensuring proper data integrity and security Europol shall keep records of collection, alteration, access, **retrieval**, disclosure, combination or erasure of personal data. Such logs or documentation shall be deleted after three years, unless the data are further required for on-going control. There shall be no possibility to modify the logs.

Or. en

Amendment 545
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 43 – paragraph 2

Text proposed by the Commission

2. Logs or documentation prepared under paragraph 1 shall be communicated on request to the European Data Protection Supervisor for the control of data protection. The **European Data Protection Supervisor** shall use that information only for the control of data protection and ensuring proper data processing as well as data integrity and security.

Amendment

2. Logs or documentation prepared under paragraph 1 shall be communicated on request to the European Data Protection Supervisor **and the Joint Supervisory Authority** for the control of data protection. The **Supervisory Authorities** shall use that information only for the control of data protection and ensuring proper data processing as well as data integrity and security.

Or. en

Amendment 546
Cornelia Ernst

Proposal for a regulation
Article 44 – paragraph 4

Text proposed by the Commission

4. The Data Protection Officer shall be appointed for a term of between two and five years. He/she shall be eligible for reappointment up to a maximum total term of ten years. He/she may be dismissed from the post of Data Protection Officer **by the Community institution or body which appointed him/her** only with the consent of the European Data Protection Supervisor, if he/she no longer fulfils the conditions required for the performance of his/her duties.

Amendment

4. The Data Protection Officer shall be appointed for a term of between two and five years. He/she shall be eligible for reappointment up to a maximum total term of ten years. He/she may be dismissed from the post of Data Protection Officer only with the consent of the European Data Protection Supervisor, if he/she no longer fulfils the conditions required for the performance of his/her duties.

Or. en

Amendment 547
Cornelia Ernst

Proposal for a regulation
Article 44 – paragraph 5

Text proposed by the Commission

5. After his/her appointment the Data Protection Officer shall be registered with the European Data Protection Supervisor **by the institution or body which appointed him/her.**

Amendment

5. After his/her appointment the Data Protection Officer shall be registered with the European Data Protection Supervisor.

Or. en

Amendment 548
Sophia in 't Veld

Proposal for a regulation
Article 44 – paragraph 7 – point a

Text proposed by the Commission

(a) ensuring, in an independent manner, **lawfulness and compliance with** the provisions of this Regulation concerning the processing of personal data;

Amendment

(a) ensuring, in an independent manner, **the internal application of** the provisions of this Regulation concerning the processing of personal data;

Or. en

Amendment 549
Sophia in 't Veld

Proposal for a regulation
Article 44 – paragraph 7 – point b a (new)

Text proposed by the Commission

Amendment

(ba) keeping a register of all processing operations carried out by Europol, containing sufficient information (purpose(s) of the processing, description of the categories of data subjects and of the data, recipients, time limits for blocking and erasure, transfers to third countries or international organisations, security measures);

Amendment 550
Sophia in 't Veld

Proposal for a regulation
Article 44 – paragraph 7 – point e

Text proposed by the Commission

(e) cooperating with the European Data Protection Supervisor;

Amendment

(e) cooperating with the European Data Protection Supervisor, ***especially with regards to the processing operations referred to in Article 42;***

Or. en

Amendment 551
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 44 – paragraph 7 – point e

Text proposed by the Commission

(e) cooperating with the European Data Protection Supervisor;

Amendment

(e) cooperating with the European Data Protection Supervisor ***and the Joint Supervisory Authority.***

Or. en

Amendment 552
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 44 – paragraph 7 – point f

Text proposed by the Commission

(f) preparing an annual report and communicating that report to the Management Board ***and*** to the European

Amendment

(f) preparing an annual report and communicating that report to the Management Board, to the European Data

Data Protection Supervisor.

Protection Supervisor *and the Joint Supervisory Authority*.

Or. en

Amendment 553

Cornelia Ernst

Proposal for a regulation

Article 44 – paragraph 7 – point f a (new)

Text proposed by the Commission

Amendment

(fa) act as a contact point for access requests pursuant to Article 39.

Or. en

Amendment 554

Sophia in 't Veld

Proposal for a regulation

Article 44 – paragraph 7 – point f a (new)

Text proposed by the Commission

Amendment

(fa) keeping a register of the main security issues and incidents affecting both operational and administrative personal data;

Or. en

Amendment 555

Rui Tavares, Cornelia Ernst

Proposal for a regulation

Article 44 – paragraph 7 – point f a (new)

Text proposed by the Commission

Amendment

(fa) keeping a register of all processing

operations carried out by Europol, including, where relevant, information regarding the purpose, data categories, recipients, time limits for blocking and erasure, transfers to third countries or international organisations and security measures;

Or. en

Amendment 556
Josef Weidenholzer

Proposal for a regulation
Article 44 – paragraph 7 – point f a (new)

Text proposed by the Commission

Amendment

(fa) keeping a register of all processing operations carried out by Europol, including, where relevant, information regarding the purpose, data categories, recipients, time limits for blocking and erasure, transfers to third countries or international organisations and security measures;

Or. en

Amendment 557
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 44 – paragraph 7 – point f b (new)

Text proposed by the Commission

Amendment

(fb) keeping a register of incidents and security breaches affecting operational or administrative personal data;

Or. en

Amendment 558
Josef Weidenholzer

Proposal for a regulation
Article 44 – paragraph 7 – point f b (new)

Text proposed by the Commission

Amendment

(fb) keeping a register of incidents and security breaches affecting operational or administrative personal data;

Or. en

Amendment 559
Sophia in 't Veld

Proposal for a regulation
Article 44 – paragraph 8

Text proposed by the Commission

Amendment

8. Moreover, the Data Protection Officer shall carry out the functions foreseen by Regulation (EC) No 45/2001 with regard to **personal data of Europol staff members as well as** administrative personal data.

8. Moreover, the Data Protection Officer shall carry out the functions foreseen by Regulation (EC) No 45/2001 with regard to administrative personal data.

Or. en

Amendment 560
Sophia in 't Veld

Proposal for a regulation
Article 44 – paragraph 9

Text proposed by the Commission

Amendment

9. In the performance of his/her tasks, the Data Protection Officer shall have access to all the data processed by Europol and to all Europol premises.

9. In the performance of his/her tasks, the Data Protection Officer shall have access to all the data processed by Europol and to all Europol premises. **Such access shall be possible at any time and without prior request.**

Amendment 561
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 44 – paragraph 10

Text proposed by the Commission

10. If the Data Protection Officer considers that the provisions of this Regulation concerning the processing of personal data have not been complied with, he/she shall inform the Executive Director, requiring him/her to resolve the non-compliance within a specified time. If the Executive Director does not resolve the non-compliance of the processing within the time specified, the Data Protection Officer shall inform the Management Board and they shall agree a specified time for a response. If the Management Board does not resolve the non-compliance of the processing within the time specified, the Data Protection Officer shall refer the matter to the European Data Protection Supervisor.

Amendment

10. If the Data Protection Officer considers that the provisions of this Regulation concerning the processing of personal data have not been complied with, he/she shall inform the Executive Director, requiring him/her to resolve the non-compliance within a specified time. If the Executive Director does not resolve the non-compliance of the processing within the time specified, the Data Protection Officer shall inform the Management Board and they shall agree a specified time for a response. If the Management Board does not resolve the non-compliance of the processing within the time specified, the Data Protection Officer shall refer the matter to the European Data Protection Supervisor ***or the Joint Supervisory Authority, according to their respective competences.***

Amendment 562
Cornelia Ernst

Proposal for a regulation
Article 44 – paragraph 11

Text proposed by the Commission

11. The Management Board shall adopt implementing rules concerning the Data Protection Officer. Those implementing

Amendment

11. The Management Board shall adopt implementing rules concerning the Data Protection Officer. Those implementing

rules shall in particular concern the selection procedure for the position of the Data Protection Officer and his/her dismissal, tasks, duties and powers and safeguards for independence of the Data Protection Officer. Europol shall provide the Data Protection Officer with the staff and resources necessary for him/her to carry out his/her duties. ***These staff members shall have access to the personal data processed at Europol and to Europol premises only to the extent necessary for the performance of their tasks.***

rules shall in particular concern the selection procedure for the position of the Data Protection Officer and his/her dismissal, tasks, duties and powers and safeguards for independence of the Data Protection Officer. Europol shall provide the Data Protection Officer with the staff and resources necessary for him/her to carry out his/her duties.

Or. en

Justification

This is the case anyway because staff of the DPO will be staff of Europol.

Amendment 563 Sophia in 't Veld

Proposal for a regulation Article 44 – paragraph 11

Text proposed by the Commission

11. The Management Board shall adopt implementing rules concerning the Data Protection Officer. Those implementing rules shall in particular concern the selection procedure for the position of the Data Protection Officer and his/her dismissal, tasks, duties and powers and safeguards for independence of the Data Protection Officer. Europol shall provide the Data Protection Officer with the staff and resources necessary for him/her to carry out his/her duties. These staff members shall have access to the personal data processed at Europol and to Europol premises only to the extent necessary for the performance of their tasks.

Amendment

11. The Management Board shall adopt implementing rules concerning the Data Protection Officer. Those implementing rules shall in particular concern the selection procedure for the position of the Data Protection Officer and his/her dismissal, tasks, duties and powers and safeguards for independence of the Data Protection Officer. Europol shall provide the Data Protection Officer with the staff and resources necessary for him/her to carry out his/her duties. These staff members shall have access to the personal data processed at Europol and to Europol premises only to the extent necessary for the performance of their tasks. ***Such access shall be possible at any time and without***

prior request.

Or. en

Amendment 564
Josef Weidenholzer

Proposal for a regulation
Article 44 – paragraph 11 a (new)

Text proposed by the Commission

Amendment

11a. The Data Protection Officer shall be provided with the resources necessary for the performance of his/her tasks.

Or. de

Amendment 565
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 45 – title

Text proposed by the Commission

Amendment

Supervision ***by the*** national ***supervisory authority***

Supervision ***at*** national ***level***

Or. en

Justification

In order to avoid any gaps in terms of supervision and guarantee an effective supervision over the huge personal data flows involved on the continuous interaction between Europol and the MS, is important to divided supervision competences according to exclusive competences of national authorities at national level and at European level divided between exclusive competences of the EDPS and coordinated competences between the EDPS and the representatives from the national supervisory authorities.

Amendment 566
Carlos Coelho, Rui Tavares, Tanja Fajon

Proposal for a regulation
Article 45 – paragraph 3

Text proposed by the Commission

3. National supervisory authorities shall, in accordance with the relevant national procedures, supervise the activities of National Units and the activities of liaison officers, in so far as such activities are of relevance to the protection of personal data. They shall also keep the European Data Protection Supervisor informed of any actions they take with respect to Europol.

Amendment

3. National supervisory authorities shall, in accordance with the relevant national procedures, supervise the activities of National Units and the activities of liaison officers, in so far as such activities are of relevance to the protection of personal data. They shall also keep the European Data Protection Supervisor **and the Joint Supervisory Authority** informed of any actions they take with respect to Europol.

Or. en

Amendment 567
Cornelia Ernst

Proposal for a regulation
Article 46 – title

Text proposed by the Commission

Supervision by the **European Data Protection Supervisor**

Amendment

Supervision by the **Independent Joint Supervisory Body**

Or. en

Amendment 568
Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation
Article 46 – title

Text proposed by the Commission

Supervision **by the European Data Protection Supervisor**

Amendment

Supervision **on operational data**

Justification

In order to avoid any gaps in terms of supervision and guarantee an effective supervision over the huge personal data flows involved on the continuous interaction between Europol and the MS, is important to divided supervision competences according to exclusive competences of national authorities at national level and at European level divided between exclusive competences of the EDPS and coordinated competences between the EDPS and the representatives from the national supervisory authorities.

Amendment 569**Cornelia Ernst****Proposal for a regulation****Article 46 – paragraph 1***Text proposed by the Commission*

1. *The European Data Protection Supervisor* shall be responsible for monitoring and ensuring the application of the provisions of this Regulation relating to the protection of fundamental rights and freedoms of natural persons with regard to processing personal data by Europol, and for advising Europol and data subjects on all matters concerning the processing of personal data. To this end, *he/she* shall fulfil the duties set out in paragraph 2 and shall exercise the powers granted in paragraph 3.

Amendment

1. *An independent Joint Supervisory Body* shall be responsible for monitoring and ensuring the application of the provisions of this Regulation relating to the protection of fundamental rights and freedoms of natural persons with regard to processing personal data by Europol, and for advising Europol and data subjects on all matters concerning the processing of personal data. To this end, *it* shall fulfil the duties set out in paragraph 2 and shall exercise the powers granted in paragraph 3.

The Joint Supervisory Body shall be composed of the European Data Protection Supervisor and of a maximum of two members or representatives from the independent national data protection supervisory authorities from each Member State. Those members or representatives shall have the necessary abilities and shall be appointed for five years. The European Data Protection Supervisor and each delegation shall be entitled to one vote.

The Joint Supervisory Body shall choose a chairman from among its members.

In the performance of their duties, the members of the Joint Supervisory Body shall not receive instructions from any other body.

The Joint Supervisory Body shall adopt its rules of procedure by a majority of two thirds of its members.

Or. en

Amendment 570

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 46 – paragraph 1

Text proposed by the Commission

1. The European Data Protection Supervisor shall be responsible for monitoring and ensuring the application of the provisions of this Regulation relating to the protection of fundamental rights and freedoms of natural persons with regard to processing personal data by Europol, and for advising Europol and data subjects on all matters concerning the processing of personal data. To this end, he/she shall fulfil the duties set out in paragraph 2 and shall exercise the powers granted in paragraph 3.

Amendment

1. The supervision of Europol operational personal data processing, without prejudice to the competences provided by Article 48, shall be performed by a Joint Supervisory Authority, composed by the European Data Protection Supervisor and one representative from each national supervisory authority pursuant to Article 45

Or. en

Justification

Europol information systems are mostly based on information coming from concrete investigations undergoing in MS and, on the other hand, Europol should coordinate and support the action of MS, returning the results of the analyses made and through joint investigation teams. The nature of these systems requires a greater and continuous involvement of the national supervisory authorities, rather than occasional cooperation, in order to have an effective supervision, as the EDPS does not have the jurisdiction towards MS

law enforcement authorities. The exercise of the rights of the data subjects to data processed by Europol, due to the data input by many MS, will frequently imply the handling of one request in close cooperation with different MS supervisory authorities. For that purpose, the national supervisory authorities shall assist the EDPS in guaranteeing the resolution of the case. This would be better achieved in a joint body. This would be a temporary solution, because the proliferation of different schemes for data protection supervision of the European information systems requires a deep evaluation in order to have a more comprehensive framework and a consistent data protection regime, regardless of the specificities of each information system. That horizontal approach should be assessed under the revision of Regulation (EC) No 45/2001. The supervision solution proposed for Europol should therefore be reviewed in the light of those developments.

Amendment 571

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 46 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Joint Supervisory Authority shall be responsible for monitoring and ensuring the application of the provisions of this Regulation relating to the protection of fundamental rights and freedoms of natural persons with regard to processing of personal data by Europol, and for advising Europol and data subjects on all matters concerning the processing of personal data.

To this end, it shall fulfil the duties set out in paragraph 2 and shall exercise the powers granted in paragraph 3 and 4.

Or. en

Justification

Europol information systems are mostly based on information coming from concrete investigations undergoing in MS and, on the other hand, Europol should coordinate and support the action of MS, returning the results of the analyses made and through joint investigation teams. The nature of these systems requires a greater and continuous involvement of the national supervisory authorities, rather than occasional cooperation, in order to have an effective supervision, as the EDPS does not have the jurisdiction towards MS law enforcement authorities. The exercise of the rights of the data subjects to data processed

by Europol, due to the data input by many MS, will frequently imply the handling of one request in close cooperation with different MS supervisory authorities. For that purpose, the national supervisory authorities shall assist the EDPS in guaranteeing the resolution of the case. This would be better achieved in a joint body. This would be a temporary solution, because the proliferation of different schemes for data protection supervision of the European information systems requires a deep evaluation in order to have a more comprehensive framework and a consistent data protection regime, regardless of the specificities of each information system. That horizontal approach should be assessed under the revision of Regulation (EC) No 45/2001. The supervision solution proposed for Europol should therefore be reviewed in the light of those developments.

Amendment 572
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

2. The **European Data Protection Supervisor** shall have the following duties under this Regulation:

Amendment

2. The **Joint Supervisory Body** shall have the following duties under this Regulation:

Or. en

Amendment 573
Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation
Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

2. The **European Data Protection Supervisor** shall have the following duties under this Regulation:

Amendment

2. The **Joint Supervisory Authority** shall have the following duties under this Regulation:

Or. en

Justification

Europol information systems are mostly based on information coming from concrete investigations undergoing in MS and, on the other hand, Europol should coordinate and

support the action of MS, returning the results of the analyses made and through joint investigation teams. The nature of these systems requires a greater and continuous involvement of the national supervisory authorities, rather than occasional cooperation, in order to have an effective supervision, as the EDPS does not have the jurisdiction towards MS law enforcement authorities. The exercise of the rights of the data subjects to data processed by Europol, due to the data input by many MS, will frequently imply the handling of one request in close cooperation with different MS supervisory authorities. For that purpose, the national supervisory authorities shall assist the EDPS in guaranteeing the resolution of the case. This would be better achieved in a joint body. This would be a temporary solution, because the proliferation of different schemes for data protection supervision of the European information systems requires a deep evaluation in order to have a more comprehensive framework and a consistent data protection regime, regardless of the specificities of each information system. That horizontal approach should be assessed under the revision of Regulation (EC) No 45/2001. The supervision solution proposed for Europol should therefore be reviewed in the light of those developments.

Amendment 574

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 46 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) hear and investigate complaints, and inform the data subject of the outcome within a reasonable period;

(a) assist the European Data Protection Supervisor in the investigation of complaints;

Or. en

Justification

It is responsibility of the European Data Protection Supervisor to hear and investigate complaints, and inform the data subject of the outcome within a reasonable period, in accordance with Articles 39(6), 40(6), 49 and 50.

Amendment 575

Cornelia Ernst

Proposal for a regulation

Article 46 – paragraph 2 – point b

Text proposed by the Commission

(b) conduct inquiries either on **his/her** own initiative or on the basis of a complaint, and inform the data subjects of the outcome within a reasonable period;

Amendment

(b) conduct inquiries either on **its** own initiative or on the basis of a complaint, and inform the data subjects of the outcome within a reasonable period;

Or. en

Amendment 576
Josef Weidenholzer

Proposal for a regulation
Article 46 – paragraph 2 – point b

Text proposed by the Commission

(b) conduct inquiries either on his/her own initiative or on the basis of a complaint, and inform the data subjects of the outcome ***within a reasonable period***;

Amendment

(b) conduct inquiries either on his/her own initiative or on the basis of a complaint, and inform the data subjects of the outcome ***without delay***;

Or. de

Amendment 577
Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation
Article 46 – paragraph 2 – point b

Text proposed by the Commission

(b) conduct inquiries either on **his/her** own initiative or on the basis of a complaint, and inform the data subjects of the outcome within a reasonable period;

Amendment

(b) conduct inquiries either on **its** own initiative or on the basis of a complaint, and inform the data subjects of the outcome within a reasonable period;

Or. en

Amendment 578
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 2 – point d

Text proposed by the Commission

(d) advise Europol, either on *his/her* own initiative or in response to a consultation, on all matters concerning the processing of personal data, in particular before they draw up internal rules relating to the protection of fundamental rights and freedoms with regard to the processing of personal data;

Amendment

(d) advise Europol, either on *its* own initiative or in response to a consultation, on all matters concerning the processing of personal data, in particular before they draw up internal rules relating to the protection of fundamental rights and freedoms with regard to the processing of personal data;

Or. en

Amendment 579
Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation
Article 46 – paragraph 2 – point d

Text proposed by the Commission

(d) advise Europol, either on *his/her* own initiative or in response to a consultation, on all matters concerning the processing of personal data, in particular before they draw up internal rules relating to the protection of fundamental rights and freedoms with regard to the processing of personal data;

Amendment

(d) advise Europol, either on *its* own initiative or in response to a consultation, on all matters concerning the processing of personal data, in particular before they draw up internal rules relating to the protection of fundamental rights and freedoms with regard to the processing of personal data;

Or. en

Amendment 580
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 2 – point f

Text proposed by the Commission

(f) keep a register of processing operations notified to **him/her** by virtue of Article 42(1) and registered in accordance with 42(4),

Amendment

(f) keep a register of processing operations notified to **it** by virtue of Article 42(1) and registered in accordance with 42(4),

Or. en

Amendment 581

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 46 – paragraph 2 – point f

Text proposed by the Commission

(f) keep a register of processing operations notified to **him/her** by virtue of Article 42(1) and registered in accordance with 42(4),

Amendment

(f) keep a register of processing operations notified to **it** by virtue of Article 42(1) and registered in accordance with 42(4),

Or. en

Amendment 582

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 46 – paragraph 2 – point g

Text proposed by the Commission

(g) carry out a prior check of processing notified to **him/her**.

Amendment

(g) carry out a prior check of processing notified to **it**.

Or. en

Amendment 583

Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The **European Data Protection Supervisor** may under this Regulation:

3. The **Joint Supervisory Body** may under this Regulation:

Or. en

Amendment 584
Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation
Article 46 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The **European Data Protection Supervisor** may under this Regulation:

3. The **Joint Supervisory Authority** may under this Regulation:

Or. en

Amendment 585
Véronique Mathieu Houillon

Proposal for a regulation
Article 46 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) impose a temporary **or** definitive ban on processing;

(f) to impose a temporary, definitive, **partial or total** ban on processing;

Or. fr

Justification

The data protection authority should be able to limit the ban on processing a data file to certain parts of that file where appropriate.

Amendment 586
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 46 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) **impose** a temporary or definitive ban on processing;

(f) **propose to the Management Board that** a temporary or definitive ban **be imposed** on processing;

Or. de

Justification

Consistent with the amendment to Article 14(1)(qa) (new).

Amendment 587
Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation
Article 46 – paragraph 3 – point h

Text proposed by the Commission

Amendment

(h) **refer the matter to the Court of Justice of the European Union under the conditions provided for in the Treaty;** *deleted*

Or. en

Justification

It is an exclusive competence of the EDPS.

Amendment 588
Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation
Article 46 – paragraph 3 – point i

Text proposed by the Commission

Amendment

(i) intervene in actions brought before the Court of Justice of the European Union. *deleted*

Or. en

Justification

It is an exclusive competence of the EDPS.

Amendment 589
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The ***European Data Protection Supervisor*** shall have the power:

4. The ***Joint Supervisory Body*** shall have the power:

Or. en

Amendment 590
Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation
Article 46 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The ***European Data Protection Supervisor*** shall have the power:

4. The ***Joint Supervisory Authority*** shall have the power:

Or. en

Amendment 591
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 4 – point a

Text proposed by the Commission

(a) to obtain from Europol access to all personal data and to all information necessary for *his/her* enquiries;

Amendment

(a) to obtain from Europol access to all personal data and to all information necessary for *its* enquiries;

Or. en

Amendment 592
Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation
Article 46 – paragraph 4 – point a

Text proposed by the Commission

(a) to obtain from Europol access to all personal data and to all information necessary for *his/her* enquiries;

Amendment

(a) to obtain from Europol access to all personal data and to all information necessary for *its* enquiries;

Or. en

Amendment 593
Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation
Article 46 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where appropriate, the European Data Protection Supervisor either on his/her own initiative or on request of the Joint Supervisory Authority may under this Regulation refer the matter to the Court of Justice of the European Union under the conditions provided for in the Treaty. The European Data Protection Supervisor may also intervene in actions brought before the Court of Justice of the European Union.

Amendment 594

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 46 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. The Joint Supervisory Authority may also examine difficulties of interpretation in the application of this Regulation, study problems relating to the exercise of independent supervision or the exercise of the rights of the data subjects, draw up harmonised proposals for joint solutions for any problems and promote awareness of data protection rights.

Or. en

Justification

These functions should also be performed.

Amendment 595

Rui Tavares

Proposal for a regulation

Article 46 – paragraph 5

Text proposed by the Commission

Amendment

5. The European Data Protection Supervisor shall draw up an annual report on the supervisory activities on Europol. This report shall ***be part of the annual report of the European Data Protection Supervisor referred to in Article 48 of Regulation (EC) No 45/2001.***

5. The European Data Protection Supervisor shall draw up an annual report on the supervisory activities on Europol. This report shall ***include information and statistics regarding complaints, inquiries, investigations, the processing of sensitive information, transfers of personal data to third countries and international organisations, prior checking and the use of the powers referred to in paragraph 3.***

This report shall be sent to the European Parliament, the Council, the Commission and the national data protection authorities. On the basis of this report, the European Parliament and the Council may request the European Data Protection Supervisor to undertake additional action to ensure the application of the provisions of this Regulation.

Or. en

Amendment 596
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 5

Text proposed by the Commission

5. The ***European Data Protection Supervisor*** shall draw up an annual report on the supervisory activities on Europol. This report ***shall*** be part of the annual report of the European Data Protection Supervisor referred to in Article 48 of Regulation (EC) No 45/2001.

Amendment

5. The ***Joint Supervisory Body*** shall draw up an annual report on the supervisory activities on Europol. This report ***may*** be part of the annual report of the European Data Protection Supervisor referred to in Article 48 of Regulation (EC) No 45/2001.

Or. en

Amendment 597
Josef Weidenholzer

Proposal for a regulation
Article 46 – paragraph 5

Text proposed by the Commission

5. The European Data Protection Supervisor shall draw up an annual report on the supervisory activities on Europol. This report shall be part of the annual report of the European Data Protection Supervisor referred to in Article 48 of

Amendment

5. The European Data Protection Supervisor shall draw up an annual report on the supervisory activities on Europol. This report shall be part of the annual report of the European Data Protection Supervisor referred to in Article 48 of

Regulation (EC) No 45/2001.

Regulation (EC) No 45/2001. *This report shall include statistical information regarding complaints, inquiries, investigations, the processing of sensitive information, transfers of personal data to third countries and international organisations, prior checking and notifications, and the use of the powers referred to in paragraph 3. This report shall be sent to the European Parliament, the Council, the Commission and the national data protection authorities. On the basis of this report, the European Parliament and the Council may request the European Data Protection Supervisor to undertake additional action to ensure the application of the provisions of this Regulation.*

Or. en

Amendment 598

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 46 – paragraph 5

Text proposed by the Commission

5. The *European Data Protection Supervisor* shall draw up an annual report on the supervisory activities on Europol. *This report shall be part of the annual report of the European Data Protection Supervisor referred to in Article 48 of Regulation (EC) No 45/2001.*

Amendment

5. The *Joint Supervisory Authority* shall draw up an annual report on the supervisory activities on Europol *to be presented to the European Parliament, to the Council, to the European Commission and to national parliaments.*

Or. en

Justification

Also the national Parliaments, with their new scrutiny role, should be informed.

Amendment 599

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 46 – paragraph 6

Text proposed by the Commission

6. Members and staff of the European Data Protection Supervisor shall be bound by the obligation of confidentiality in accordance with Article 69.

Amendment

6. *Members of the Joint Supervisory Authority and* Members and staff of the European Data Protection Supervisor shall be bound by the obligation of confidentiality in accordance with Article 69.

Or. en

Amendment 600

Rui Tavares

Proposal for a regulation

Article 46 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. *The European Data Protection Supervisor may use the expertise and experience of national data protection authorities in carrying out his duties. In carrying out activities on behalf of the European Data Protection Supervisor, members and staff of national data protection authorities shall have the powers laid down in paragraph 4 and be bound by the obligation laid down in paragraph 6.*

Or. en

Amendment 601

Cornelia Ernst

Proposal for a regulation

Article 47 – title

Text proposed by the Commission

Amendment

Cooperation between the **European Data Protection Supervisor** and national data protection authorities

Cooperation between the **Joint Supervisory Body** and national data protection authorities

Or. en

Amendment 602

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 47 – title

Text proposed by the Commission

Amendment

Cooperation between the European Data Protection Supervisor and national data protection authorities

Organisation and Costs

Or. en

Amendment 603

Cornelia Ernst

Proposal for a regulation

Article 47 – paragraph 1

Text proposed by the Commission

Amendment

1. The **European Data Protection Supervisor** shall act in close cooperation with national supervisory authorities on specific issues requiring national involvement, in particular if the **European Data Protection Supervisor** or a national supervisory authority finds major discrepancies between the practices of Member States or potentially unlawful transfer in the use of Europol's channels for exchange of information, or in the context of questions raised by one or more national supervisory authorities on the

1. The **Joint Supervisory Body** shall act in close cooperation with national supervisory authorities on specific issues requiring national involvement, in particular if the **Joint Supervisory Body** or a national supervisory authority finds major discrepancies between the practices of Member States or potentially unlawful transfer in the use of Europol's channels for exchange of information, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this

implementation and interpretation of this Regulation.

Regulation.

Or. en

Amendment 604

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 47 – paragraph 1

Text proposed by the Commission

1. The **European Data Protection Supervisor shall act in close cooperation with national supervisory authorities on specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between the practices of Member States or potentially unlawful transfer in the use of Europol's channels for exchange of information, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.**

Amendment

1. The **Joint** Supervisory Authority **shall meet where needed. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed as necessary.**

Or. en

Amendment 605

Cornelia Ernst

Proposal for a regulation

Article 47 – paragraph 2

Text proposed by the Commission

2. In the cases referred to in paragraph 1, the **European Data Protection Supervisor** and the national supervisory authorities shall, each acting within the scope of their respective competences, exchange relevant

Amendment

2. In the cases referred to in paragraph 1, the **Joint Supervisory Body** and the national supervisory authorities shall, each acting within the scope of their respective competences, exchange relevant

information, assist each other in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation, study problems relating to the exercise of independent supervision or the exercise of the rights of data subjects, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

information, assist each other in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation, study problems relating to the exercise of independent supervision or the exercise of the rights of data subjects, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

Or. en

Amendment 606

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 47 – paragraph 2

Text proposed by the Commission

2. In the cases referred to in paragraph 1, the European Data Protection Supervisor and the national supervisory authorities shall, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation, study problems relating to the exercise of independent supervision or the exercise of the rights of data subjects, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

Amendment

2. The costs related to all the supervising activities of the Joint Supervisory Authority shall be borne by the European Data Protection Supervisor, who shall also provide for the Secretariat services.

Or. en

Justification

This does not imply any increase in terms of costs, because all the meetings were already supposed to be paid by the EDPS, as well as the inspections, where the national supervisory authorities were already supposed to have an important role.

Amendment 607
Cornelia Ernst

Proposal for a regulation
Article 47 – paragraph 3

Text proposed by the Commission

Amendment

3. The national supervisory authorities and the European Data Protection Supervisor shall meet, where needed. The costs and servicing of such meetings shall be borne by the European Data Protection Supervisor. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary. *deleted*

Or. en

Justification

Superfluous under the regime we propose.

Amendment 608
Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation
Article 47 – paragraph 3

Text proposed by the Commission

Amendment

3. The national supervisory authorities and the European Data Protection Supervisor shall meet, where needed. The costs and servicing of such meetings shall be borne by the European Data Protection Supervisor. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary. *deleted*

Or. en

Amendment 609
Sophia in 't Veld

Proposal for a regulation
Article 47 – paragraph 3

Text proposed by the Commission

3. The national supervisory authorities and the European Data Protection Supervisor shall meet, where needed. The costs and servicing of such meetings shall be borne by the European Data Protection Supervisor. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.

Amendment

3. The national supervisory authorities and the European Data Protection Supervisor shall meet, where needed. The costs and servicing of such meetings shall be borne by the European Data Protection Supervisor ***and where necessary co-financed by Member States***. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.

Or. en

Amendment 610
Sophia in 't Veld

Proposal for a regulation
Article 48 – title

Text proposed by the Commission

Administrative personal data ***and Staff data***

Amendment

Administrative personal data

Or. en

Amendment 611
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 48 – title

Text proposed by the Commission

Amendment

Administrative personal data **and Staff data**

Administrative personal data

Or. en

Amendment 612

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 48 – title

Text proposed by the Commission

Amendment

Administrative personal data and Staff data

Supervision on Administrative personal data and Staff data

Or. en

Justification

In order to avoid any gaps in terms of supervision and guarantee an effective supervision over the huge personal data flows involved on the continuous interaction between Europol and the MS, is important to divided supervision competences according to exclusive competences of national authorities at national level and at European level divided between exclusive competences of the EDPS and coordinated competences between the EDPS and the representatives from the national supervisory authorities.

Amendment 613

Sophia in 't Veld

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

Amendment

Regulation (EC) No 45/2001 shall apply to all **personal data of Europol staff members as well as** administrative personal data held by Europol.

Regulation (EC) No 45/2001 shall apply to all administrative personal data held by Europol.

Amendment 614

Carlos Coelho, Rui Tavares, Sophia in 't Veld, Tanja Fajon

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

Regulation (EC) No 45/2001 shall apply to all personal data of Europol staff members as well as administrative personal data held by Europol.

Amendment

The European Data Protection Supervisor shall have exclusive competence on this area. Regulation (EC) No 45/2001 shall apply to all personal data of Europol staff members as well as administrative personal data held by Europol.

Or. en

Amendment 615

Cornelia Ernst

Proposal for a regulation

Article 49 – title

Text proposed by the Commission

Right to lodge a complaint with the ***European Data Protection Supervisor***

Amendment

Right to lodge a complaint with the ***Independent Joint Supervisory Body***

Or. en

Amendment 616

Cornelia Ernst

Proposal for a regulation

Article 49 – paragraph 1

Text proposed by the Commission

1. Any data subject shall have the right to lodge a complaint with the ***European Data***

Amendment

1. Any data subject shall have the right to lodge a complaint with the ***Joint***

Protection Supervisor, if he/she considers that the processing of personal data relating to him/her does not comply with the provisions of this Regulation.

Supervisory Body, if he/she considers that the processing of personal data relating to him/her does not comply with the provisions of this Regulation.

Or. en

Amendment 617
Sophia in 't Veld

Proposal for a regulation
Article 49 – paragraph 2

Text proposed by the Commission

2. Where a complaint relates to a decision as referred to in Article 39 or 40, the European Data Protection Supervisor shall consult the national supervisory bodies or the competent judicial body in the Member State that was the source of the data or the Member State directly concerned. ***The decision of the European Data Protection Supervisor, which may extend to a refusal to communicate any information, shall be taken in close cooperation with the national supervisory body or competent judicial body.***

Amendment

2. Where a complaint relates to a decision as referred to in Article 39 or 40, the European Data Protection Supervisor shall consult the national supervisory bodies or the competent judicial body in the Member State(s) that was the source of the data or the Member State(s) directly concerned.

Or. en

Amendment 618
Cornelia Ernst

Proposal for a regulation
Article 49 – paragraph 2

Text proposed by the Commission

2. Where a complaint relates to a decision as referred to in Article 39 or 40, the ***European Data Protection Supervisor*** shall consult the national supervisory bodies or the competent judicial body in

Amendment

2. Where a complaint relates to a decision as referred to in Article 39 or 40, the ***Joint Supervisory Body*** shall consult the national supervisory bodies or the competent judicial body in the Member State that was

the Member State that was the source of the data or the Member State directly concerned. The decision of the **European Data Protection Supervisor**, which may extend to a refusal to communicate any information, shall be taken in close cooperation with the national supervisory body or competent judicial body.

the source of the data or the Member State directly concerned. The decision of the **Joint Supervisory Body**, which may extend to a refusal to communicate any information, shall be taken in close cooperation with the national supervisory body or competent judicial body.

Or. en

Amendment 619

Rui Tavares

Proposal for a regulation

Article 49 – paragraph 3

Text proposed by the Commission

3. Where a complaint relates to the processing of data provided by a Member State to Europol, the European Data Protection Supervisor ***shall ensure that the necessary checks have been carried out correctly*** in close cooperation with the national supervisory body of the Member State that provided the data.

Amendment

3. Where a complaint relates to the processing of data provided by a Member State to Europol, the European Data Protection Supervisor, in close cooperation with the national supervisory body of the Member State that provided the data, ***shall ensure that the data processing in the Member State concerned was lawful and that the necessary checks have been carried out correctly.***

Or. en

Amendment 620

Cornelia Ernst

Proposal for a regulation

Article 49 – paragraph 3

Text proposed by the Commission

3. Where a complaint relates to the processing of data provided by a Member State to Europol, the ***European Data Protection Supervisor shall ensure that***

Amendment

3. Where a complaint relates to the processing of data provided by a Member State to Europol, the ***Joint Supervisory Body***, in close cooperation with the

the necessary checks have been carried out correctly in close cooperation with the national supervisory body of the Member State that provided the data.

national supervisory body of the Member State that provided the data, *shall ensure that the data processing in the Member State concerned was lawful and that the necessary checks have been carried out correctly.*

Or. en

Amendment 621
Rui Tavares

Proposal for a regulation
Article 49 – paragraph 4

Text proposed by the Commission

4. Where a complaint relates to the processing of data provided to Europol by EU entities, third countries or international organisations, the European Data Protection Supervisor shall ensure that Europol has carried out *the necessary checks*.

Amendment

4. Where a complaint relates to the processing of data provided to Europol by EU entities, third countries or international organisations *or to data retrieved by Europol from public available sources*, the European Data Protection Supervisor shall ensure that Europol has carried out *his duties set out in the provisions of this Regulation in a satisfactory manner.*

Or. en

Amendment 622
Cornelia Ernst

Proposal for a regulation
Article 49 – paragraph 4

Text proposed by the Commission

4. Where a complaint relates to the processing of data provided to Europol by EU entities, third countries or international organisations, *the European Data Protection Supervisor* shall ensure that Europol has carried out *the necessary checks*.

Amendment

4. Where a complaint relates to the processing of data provided to Europol by EU entities, third countries or international organisations *or to data retrieved by Europol from public available sources*, *the Joint Supervisory Body* shall ensure that Europol has carried out *his duties set*

out in the provisions of this Regulation in a satisfactory manner.

Or. en

Amendment 623
Cornelia Ernst

Proposal for a regulation
Article 50 – title

Text proposed by the Commission

Right to a judicial remedy against the
European Data Protection Supervisor

Amendment

Right to a judicial remedy against the ***Joint Supervisory Body***

Or. en

Amendment 624
Cornelia Ernst

Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission

Actions against the decisions of the
European Data Protection Supervisor
shall be brought before the Court of Justice
of the European Union.

Amendment

Actions against the decisions of the ***Joint Supervisory Body*** shall be brought before
the Court of Justice of the European Union.

Or. en

Amendment 625
Renate Weber

Proposal for a regulation
Article 53 – paragraph 1

Text proposed by the Commission

1. The Chairperson of the Management

Amendment

1. The Chairperson of the Management

Board **and** the Executive Director shall appear before the European Parliament, jointly with national Parliaments, at their request to discuss matters relating to Europol, taking into account the obligations of discretion and confidentiality.

Board, the Executive Director **or any other Europol staff member** shall appear before the European Parliament, jointly with national Parliaments, at their request to discuss matters relating to Europol, taking into account the obligations of discretion and confidentiality.

Or. en

Amendment 626

Agustín Díaz de Mera García Consuegra, Josef Weidenholzer

Proposal for a regulation

Article 53 – paragraph -1 (new)

Text proposed by the Commission

Amendment

(-1) The Parliamentary Scrutiny Unit

The mechanism for the control of Europol's activities by the European Parliament, together with national Parliaments, shall take the form of a small specialised structure - the Parliamentary Scrutiny Unit - comprising of the Members of the competent committee of the European Parliament and of one representative of the relevant competent committee of the national parliament of each of the Member States.

Or. es

Justification

This amendment replaces the original AM 102. It is important to specify how this new Parliamentary Scrutiny Unit will look like and how it will operate in practice.

Amendment 627

Agustín Díaz de Mera García Consuegra, Josef Weidenholzer

Proposal for a regulation

Article 53 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

(-1a) This Parliamentary Scrutiny Unit shall always sit at the seat of the European Parliament, and shall be convened by the Chair of the European Parliament's competent committee. It shall be co-chaired by the Chair of the competent committee of the European Parliament and the representative from the national Parliament of the Member State holding the rotating Council Presidency.

Or. en

Justification

This amendment replaces the original AM 103. It is important to specify how this new Parliamentary Scrutiny Unit will look like and how it will operate in practice.

Amendment 628
Rui Tavares

Proposal for a regulation
Article 53 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The European Parliament and national parliaments shall consider inviting parliamentarians of Iceland, Liechtenstein, Norway and Switzerland as observers to inter-parliamentary meetings where the scrutiny of Europol activities takes place and developing other modes of cooperation with these parliaments.

Or. en

Amendment 629
Rui Tavares

Proposal for a regulation
Article 53 – paragraph 2

Text proposed by the Commission

2. *Parliamentary scrutiny* by the European Parliament, ***together*** with national Parliaments, ***of Europol's activities shall be exercised in accordance with this Regulation.***

Amendment

2. *The European Data Protection Supervisor and the national supervisory authorities shall appear before* the European Parliament, ***jointly*** with national Parliaments, ***at their request and at least once per year to discuss matters relating to the protection of fundamental rights and freedoms of natural persons with regard to processing personal data by Europol, taking into account the obligations of discretion and confidentiality.***

Or. en

Amendment 630
Renate Weber

Proposal for a regulation
Article 53 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The Members of the Parliamentary Scrutiny Committee shall be allowed to access any further relevant information or document, including by conducting inspections on the spot, so to allow the European Parliament and national Parliaments to carry out their duties of parliamentary scrutiny of Europol activities, as provided for in the Treaties.*

Or. en

Amendment 631
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 54 – paragraph 1

Text proposed by the Commission

1. For the purpose of enabling it to exercise parliamentary scrutiny of Europol's activities in accordance with Article 53, access to European Union Classified Information and sensitive non-classified information processed by or through Europol *may* be granted to the European Parliament and its representatives upon request.

Amendment

1. For the purpose of enabling it to exercise parliamentary scrutiny of Europol's activities in accordance with Article 53, access to European Union Classified Information and sensitive non-classified information processed by or through Europol *shall* be granted to the European Parliament and its representatives upon request *and, where relevant, after the consent of the data provider.*

Or. en

Amendment 632
Rui Tavares

Proposal for a regulation
Article 54 – paragraph 2

Text proposed by the Commission

2. Access to European Union Classified Information and sensitive non-classified information shall be in compliance with the basic principles and minimum standards as referred to in Article 69. The details shall be governed by a working arrangement concluded between Europol and the European Parliament.

Amendment

2. Access to European Union Classified Information and sensitive non-classified information shall be in compliance with the basic principles and minimum standards as referred to in Article 69 *and with the rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.* The details shall be governed by a working arrangement concluded between Europol and the European Parliament.

Or. en

Amendment 633
Agustín Díaz de Mera García Consuegra, Josef Weidenholzer

Proposal for a regulation
Article 54 – paragraph 2

Text proposed by the Commission

2. Access to European Union Classified Information and sensitive non-classified information shall be in compliance with the ***basic principles and minimum standards as referred to in Article 69. The details shall*** be governed by a working arrangement concluded between Europol and the European Parliament.

Amendment

2. Access to European Union Classified Information and sensitive non-classified information shall be in compliance with the ***rules governing the treatment of confidential information by the European Parliament. Further details may*** be governed by a working arrangement concluded between Europol and the European Parliament.

Or. en

Justification

The European Parliament established its own rules on the treatment of confidential information, based on the Interinstitutional Agreements between Parliament and the Commission and between Parliament and the Council.

Amendment 634
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 54 a (new)

Text proposed by the Commission

Amendment

Article 54a

Parliamentary scrutiny unit

1. A parliamentary scrutiny unit shall be established within the European Parliament.

2. The parliamentary scrutiny unit shall consist of the members of the committee of the European Parliament responsible for the establishment of an area of freedom, security and justice, of one representative of each national parliament and of the chairperson of the Independent Joint Supervisory Body.

3. When taking decisions, only Members of the European Parliament shall have a right to vote, while members of national parliaments shall be consulted.

4. The parliamentary scrutiny unit shall monitor the application of the provisions of this Regulation, in particular in relation to their impact on the fundamental rights and freedoms of natural persons.

5. To this end, the parliamentary scrutiny unit shall have the following duties:

(a) conduct inquiries either on its own initiative or on the basis of a complaint, and report to the European Parliament and the public of the outcome within a reasonable period;

(b) consent to the annual work programme in accordance with Article 15;

(c) consent to the appointment of the Executive Director;

(d) decide on extension of the term of office of the Executive Director;

(e) decide on the removal of the Executive Director.

6. Further to the powers of the European Parliament laid down in this Regulation, the scrutiny unit may under this Regulation:

(a) in the event of an alleged breach of the provisions of this Regulation, and where appropriate, make proposals for remedying that breach and for improving the protection of fundamental rights and freedoms;

(b) warn or admonish Europol;

(c) impose a temporary or definitive ban on measures;

(d) refer the matter to the Court of Justice of the European Union under the conditions provided for in the Treaty;

(e) intervene in actions brought before the

Court of Justice of the European Union.

7. The Parliamentary scrutiny unit shall have the power:

(a) to obtain from Europol access to all information necessary for the fulfilment of its tasks;

(b) to obtain access to any premises in which Europol carries on its activities when there are reasonable grounds for presuming that an activity covered by this Regulation is being carried out there.

The parliamentary scrutiny unit shall draw up an annual report to the European Parliament on the supervisory activities on Europol.

Members and staff of the scrutiny unit shall be bound by the obligation of confidentiality in accordance with Article 69.

Or. en

Amendment 635

Monika Hohlmeier, Agustín Díaz de Mera García Consuegra, Hubert Pirker, Alexander Alvaro, Ágnes Hankiss, Véronique Mathieu Houillon

Proposal for a regulation

Article 55 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The appointing authority shall make full use of the possibilities given by the Staff Regulation and provide specialised staff such as IT-experts with a higher function group and grade according to their qualification to fulfil the tasks of the Agency pursuant to Article 4 in an ideal manner.

Or. en

Justification

High technical and fast evolving level of cyber crime and cyber facilitated crime requires Europol to hire well trained and much in demand staff. The benefits for contract agents do not reflect the market situation for e.g. IT-experts who are much needed to fight cyber crimes such as VAT fraud, child pornography and trade with illicit goods. Europol must be enabled to fill those posts in order to fight crime effectively and deliver an European added value.

Amendment 636

Cornelia Ernst, Rui Tavares

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Executive Director shall be appointed by the Management Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

Amendment

The Executive Director shall be appointed by the Management Board, ***in agreement with the parliamentary scrutiny unit***, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

Or. en

Amendment 637

Renate Weber

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Executive Director shall be appointed by the Management Board, ***from a list of candidates proposed*** by the Commission, ***following an open and*** transparent selection procedure.

Amendment

The Executive Director shall be appointed by the Management Board, ***in accordance with a cooperation (concertation) procedure, which shall be as follows:***

(a) on the basis of a list drawn up by the Commission ***after a call for candidates and a*** transparent selection procedure, ***applicants will be asked, before appointment, to address the Council and the competent Parliamentary Scrutiny***

Committee and, if requested by it, the European Parliament, and to reply to questions;

(b) the Parliamentary Scrutiny Committee, the European Parliament and the Council of the European Union will then give their opinions and state their orders of preference;

(c) the Management Board will appoint the Executive Director taking these opinions into account.

Or. en

Amendment 638
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Before appointment, the candidate selected by the Management Board may be invited to make a statement before the competent committee of the European Parliament and to answer questions put by its members.

Amendment

Before appointment, the candidate selected by the Management Board may be invited to make a statement before the competent committee of the European Parliament and ***the parliamentary scrutiny unit and*** to answer questions put by its members.

Or. en

Amendment 639
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 56 – paragraph 4

Text proposed by the Commission

4. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office

Amendment

4. The Management Board, ***in agreement with the parliamentary scrutiny unit and*** acting on a proposal from the Commission that takes into account the assessment

of the Executive Director once, for no more than five years.

referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.

Or. en

Amendment 640
Rui Tavares

Proposal for a regulation
Article 56 – paragraph 7

Text proposed by the Commission

7. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.

Amendment

7. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission *or the European Parliament.*

Or. en

Amendment 641
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Article 56 – paragraph 7

Text proposed by the Commission

7. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.

Amendment

7. The Executive Director may be removed from office only upon a decision of the *parliamentary scrutiny unit or of the* Management Board acting on a proposal from the Commission.

Or. en

Amendment 642
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

1. Four Deputy Executive Directors, ***including one responsible for training***, shall assist the Executive Director. ***The Deputy Executive Director for Training shall be responsible for managing the Europol Academy and its activities.*** The Executive Director shall define the tasks of the others.

Amendment

1. Four Deputy Executive Directors shall assist the Executive Director. The Executive Director shall define the tasks of the others.

Or. en

Amendment 643
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 63 – paragraph 2

Text proposed by the Commission

2. Because of the specificity of the Members of the Network of National Training Institutes which are the only bodies with specific characteristics and technical competences to perform relevant training activities, these members may receive grants without a call for proposals in accordance with Article 190(1)(d) of the Commission Delegated Regulation (EU) No 1268/2012.⁴¹

Amendment

deleted

⁴¹ OJ L 362, 31.12.2012, p. 1.

Or. en

Amendment 644
Sonia Alfano

Proposal for a regulation
Article 67 – paragraph 1

Text proposed by the Commission

1. Regulation (EC) No 1049/2001⁴³ shall apply to documents held by Europol.

Amendment

1. Regulation (EC) No 1049/2001⁴³ shall apply to **all administrative** documents held by Europol.

Or. en

Amendment 645
Hubert Pirker, Monika Hohlmeier

Proposal for a regulation
Article 67 – paragraph 1

Text proposed by the Commission

1. Regulation (EC) No 1049/2001⁴³ shall apply to documents held by Europol.

Amendment

1. Regulation (EC) No 1049/2001⁴³ shall apply to **administrative** documents held by Europol.

Or. de

Amendment 646
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 73 – paragraph 1

Text proposed by the Commission

1. Europol, as established by this Regulation, shall be the general legal successor in respect of all contracts concluded by, liabilities incumbent on, and properties acquired by Europol, as established by Decision 2009/371/JHA, **and CEPOL, as established under Decision 2005/681/JHA.**

Amendment

1. Europol, as established by this Regulation, shall be the general legal successor in respect of all contracts concluded by, liabilities incumbent on, and properties acquired by Europol, as established by Decision 2009/371/JHA.

Or. en

Amendment 647
Cornelia Ernst

Proposal for a regulation
Article 73 – paragraph 3

Text proposed by the Commission

Amendment

3. This Regulation shall not affect the legal force of agreements concluded by CEPOL as established by Decision 2005/681/JHA before the date of entry into force of this Regulation. *deleted*

Or. en

Amendment 648
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 73 – paragraph 3

Text proposed by the Commission

Amendment

3. This Regulation shall not affect the legal force of agreements concluded by CEPOL as established by Decision 2005/681/JHA before the date of entry into force of this Regulation. *deleted*

Or. en

Amendment 649
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 73 – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation from paragraph 3, the Headquarters Agreement concluded on the basis of the Decision 2005/681/JHA shall be terminated from *deleted*

the date of entry into application of this Regulation.

Or. en

Amendment 650
Rui Tavares, Cornelia Ernst

Proposal for a regulation
Article 73 a (new)

Text proposed by the Commission

Amendment

Article 73a

Transitional arrangements concerning cooperation agreements

The Commission shall, within 12 months after the entry into force of this Regulation, review the cooperation agreements concluded between Europol and third countries or international organisations prior to the date of application of this Regulation and, if appropriate, propose amendments to align them with the provisions of this Regulation.

If, after 12 months after the proposal of the amendments, a cooperation agreement has not been amended accordingly, it shall be terminated.

Or. en

Amendment 651
Josef Weidenholzer

Proposal for a regulation
Article 73 a (new)

Text proposed by the Commission

Amendment

Article 73a

*Transitional arrangements concerning
cooperation agreements*

The Commission shall, within 12 months after the entry into force of this Regulation, review the cooperation agreements concluded between Europol and third countries or international organisations prior to the date of application of this Regulation and, if appropriate, propose amendments to align them with the provisions of this Regulation.

If, after 12 months after the proposal of the amendments, a cooperation agreement has not been amended accordingly, it shall be terminated.

Or. en

Amendment 652
Cornelia Ernst

Proposal for a regulation
Article 74 – paragraph 1

Text proposed by the Commission

Amendment

1. The term of office of the members of the Governing Board of CEPOL as established on the basis of Article 10 of Decision 2005/681/JHA shall terminate on [date of entry into force of this Regulation].

deleted

Or. en

Amendment 653
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 74 – paragraph 1

Text proposed by the Commission

Amendment

1. The term of office of the members of the Governing Board of CEPOL as established on the basis of Article 10 of Decision 2005/681/JHA shall terminate on [date of entry into force of this Regulation]. *deleted*

Or. en

**Amendment 654
Cornelia Ernst**

**Proposal for a regulation
Article 75 – paragraph 4**

Text proposed by the Commission

Amendment

4. The Executive Director of CEPOL appointed on the basis of Article 11(1) of Decision 2005/681/JHA shall, for the remaining periods of his/her term of office, be assigned to the functions of the Deputy Executive Director of training of Europol. The other conditions of his/her contract remain unchanged. If the term of office ends after [the date of entry into force of this Regulation] but before [the date of application of this Regulation], he/she shall be extended automatically until one year after the date of application of this Regulation. *deleted*

Or. en

**Amendment 655
Kinga Göncz, Josef Weidenholzer**

**Proposal for a regulation
Article 75 – paragraph 4**

Text proposed by the Commission

Amendment

4. The Executive Director of CEPOL appointed on the basis of Article 11(1) of Decision 2005/681/JHA shall, for the remaining periods of his/her term of office, be assigned to the functions of the Deputy Executive Director of training of Europol. The other conditions of his/her contract remain unchanged. If the term of office ends after [the date of entry into force of this Regulation] but before [the date of application of this Regulation], he/she shall be extended automatically until one year after the date of application of this Regulation. *deleted*

Or. en

**Amendment 656
Kinga Göncz, Josef Weidenholzer**

**Proposal for a regulation
Article 76 – paragraph 1**

Text proposed by the Commission

Amendment

1. For each of the three budgetary years following the entry into force of this Regulation, at least EUR 8 million of the operational expenses of Europol shall be reserved for training, as described in Chapter III. *deleted*

Or. en

**Amendment 657
Cornelia Ernst**

**Proposal for a regulation
Article 77 – paragraph 1**

Text proposed by the Commission

This Regulation replaces and repeals Decision 2009/371/JHA **and Decision 2005/681/JHA**.

Amendment

This Regulation replaces and repeals Decision 2009/371/JHA.

Or. en

Amendment 658
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 77 – paragraph 1

Text proposed by the Commission

This Regulation replaces and repeals Decision 2009/371/JHA **and Decision 2005/681/JHA**.

Amendment

This Regulation replaces and repeals Decision 2009/371/JHA.

Or. en

Amendment 659
Cornelia Ernst

Proposal for a regulation
Article 78 – paragraph 1

Text proposed by the Commission

1. All legislative measures implementing the **Decisions 2009/371/JHA and Decision 2005/681/JHA** are repealed with effect from the date of application of this Regulation.

Amendment

1. All legislative measures implementing the **Decision 2009/371/JHA** are repealed with effect from the date of application of this Regulation.

Or. en

Amendment 660
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 78 – paragraph 1

Text proposed by the Commission

1. All legislative measures implementing the **Decisions 2009/371/JHA and Decision 2005/681/JHA** are repealed with effect from the date of application of this Regulation.

Amendment

1. All legislative measures implementing the **Decision 2009/371/JHA** are repealed with effect from the date of application of this Regulation.

Or. en

Amendment 661
Cornelia Ernst

Proposal for a regulation
Article 78 – paragraph 2

Text proposed by the Commission

2. All non-legislative measures implementing Decision 2009/371/JHA which sets up the European Police Office (Europol) **and Decision 2005/681/JHA which sets up CEPOL** shall remain in force following the [date of application of this Regulation], unless otherwise decided by the Management Board of Europol in the implementation of this Regulation..

Amendment

2. All non-legislative measures implementing Decision 2009/371/JHA which sets up the European Police Office (Europol) shall remain in force following the [date of application of this Regulation], unless otherwise decided by the Management Board of Europol in the implementation of this Regulation..

Or. en

Amendment 662
Kinga Göncz, Josef Weidenholzer

Proposal for a regulation
Article 78 – paragraph 2

Text proposed by the Commission

2. All non-legislative measures implementing Decision 2009/371/JHA which sets up the European Police Office

Amendment

2. All non-legislative measures implementing Decision 2009/371/JHA which sets up the European Police Office

(Europol) *and Decision 2005/681/JHA which sets up CEPOL* shall remain in force following the [date of application of this Regulation], unless otherwise decided by the Management Board of Europol in the implementation of this Regulation..

(Europol) shall remain in force following the [date of application of this Regulation], unless otherwise decided by the Management Board of Europol in the implementation of this Regulation..

Or. en

Amendment 663
Cornelia Ernst, Rui Tavares

Proposal for a regulation
Annex 1 – indent 6

Text proposed by the Commission

Amendment

– *illegal immigrant smuggling,*

deleted

Or. en

Amendment 664
Cornelia Ernst

Proposal for a regulation
Annex 1 – indent 17

Text proposed by the Commission

Amendment

– *counterfeiting and product piracy,*

deleted

Or. en

Amendment 665
Nils Torvalds

Proposal for a regulation
Annex 1 – indent 27

Text proposed by the Commission

Amendment

– sexual abuse and sexual exploitation of

– sexual abuse and sexual exploitation of

women and children.

individuals.

Or. en

Amendment 666

Cornelia Ernst

Proposal for a regulation

Annex 2 – section 2 – point 1 – point e

Text proposed by the Commission

Amendment

(e) *contacts and* associates; and

(e) associates; and

Or. en

Amendment 667

Cornelia Ernst

Proposal for a regulation

Annex 2 – section 2 – point 3 – introductory part

Text proposed by the Commission

Amendment

3. ‘*Contacts and* associates’, as referred to in paragraph 1 point (e), are persons through whom there is sufficient reason to believe that information, which relates to the persons referred to in paragraph 1 point (a) and (b) of this Annex and which is relevant for the analysis, can be gained, provided they are not included in one of the categories of persons referred to in paragraphs 1 (a), (b), (c), (d) and (f).

‘Contacts’ are those persons who have sporadic contact with the persons referred to in paragraph 1 point (a) and (b).

‘Associates’ are those persons who have regular contact with the persons referred to in paragraph 1 point (a) and (b).

3. ‘Associates’, as referred to in paragraph 1 point (e), are persons through whom there is sufficient reason to believe that information, which relates to the persons referred to in paragraph 1 point (a) and (b) of this Annex and which is relevant for the analysis, can be gained, provided they are not included in one of the categories of persons referred to in paragraphs 1 (a), (b), (c), (d) and (f). ‘Associates’ are those persons who have regular contact with the persons referred to in paragraph 1 point (a) and (b).

Or. en