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NOTE

From: Presidency
To: Delegations
Subject: Draft Council Resolution on the Future of Europol

Delegations will find attached the abovementioned draft Council Resolution that is being submitted to COREPER with a view to its subsequent approval by the Council.

Draft
COUNCIL RESOLUTION
on the Future of Europol

Preamble

Europol has become firmly established as an integral part of Europe's security architecture. To safeguard the security of an EU without internal borders in the face of evolving and increasingly complex security threats, Europol plays a crucial role as the hub of information-sharing between the law enforcement authorities of the Member States, and in supporting and coordinating cooperation on cross-border police work.

Europol's tasks are closely connected with maintaining law and order and safeguarding internal security – a core area of Member State sovereignty. Member States must therefore play an active role in shaping Europol's future development in line with their interests.

Europol is an important example of how, in a core area of Member State sovereignty, highly successful cooperation can be achieved between Member States, an agency of the European Union and European Union institutions.

We, the Home Affairs Ministers of the Member States meeting within the Council of the European Union, wish to maintain the successful concept of Europol and to strengthen and develop it so that Europol can face the challenges of the future:

1. Genuine added value for Europe

It is Europol's task to support the law enforcement authorities of the Member States and to support and coordinate their cross-border cooperation. This structural focus of Europol's work has proved successful. With its core tasks of information-sharing, analysis and operational support, Europol provides genuine added value for the security of the European Union.

Part of this added value is its central location in The Hague, where Europol has become firmly established and the Member States and other partners have set up their liaison offices. This unique approach allows successful partnership and efficient cooperation. There is no ambition to expand Europol's representation on the ground (within the EU or outside it).

2. Europol as a partner in the European Police Partnership

Europol is an established actor and partner in the European Police Partnership. There is a clear division of tasks between the Member States and Europol's support function, reflecting the role the Treaty provides for Europol. This has proved successful. In its role as a hub for criminal information exchange, analysis and expertise, Europol supports the national law enforcement authorities of the Member States, which retain exclusive executive power including the initiation and conducting of investigations. The diverse organisational structures of national law enforcement authorities remain unaffected.

3. An integral part of the European and global security architecture

Given the global dimension of many types of crime, effective law enforcement requires cooperation between European and global actors. Europol works together with other established actors in the European and global security architecture, as a partner, not a competitor, and based on a division of tasks. Europol does not have the mandate or resources to undertake international capacity building.

4. Joint steering by the Member States

Europol's governance structure reflects the division of competences between national and European level. Steering the agency by joint representation of the Member States has been a success; the close involvement of the European Commission, with the right to vote in the Management Board, has also proved a success. This ensures that Europol's activities are always geared towards the security needs of the citizens and of the law enforcement authorities of the Member States, with more than a million police officers.

5. Strengthening the core tasks to strengthen internal security

The main focus in further developing Europol must be on strengthening its core tasks, which are to fulfil its role as the EU criminal information hub, to help with analysis, and to provide operational support. These are the tasks which the Member States established Europol to fulfil, and it is in these areas that Europol adds the most value, by supporting national law enforcement authorities to safeguard the EU's internal security.

6. Promoting innovation for law enforcement of the future

Rapid technological progress brings with it novel forms of crime, but it also offers unprecedented possibilities for fighting crime. Europol must be capable of harnessing the potential of technological innovation – for the benefit of national law enforcement authorities and for that of its own. This includes the development and use of artificial intelligence for analysis and operational support. For this purpose, the EU Innovation Hub for Internal Security, located at Europol, must immediately begin its work and make technologies such as artificial intelligence and encryption a priority.

7. Optimising the legal framework

The legal framework must ensure that Europol is able to fulfil its tasks in the best possible way. Europol must be – and remain – capable of working effectively in the virtual world and of processing large amounts of data. At the same time, a high level of data protection must be guaranteed. We are confident that, when amending the Europol Regulation, we will find solutions that meet both of these requirements.

8. Enabling cooperation with private parties

Private parties are becoming increasingly relevant for preventing and countering online and offline crime because they possess information without which effective law enforcement is often impossible. This is especially true of online-service providers in the case of investigations into child sexual exploitation material, terrorism, financial or organised crime.

In line with the Council conclusions on Europol's cooperation with private parties (2 December 2019), Europol must therefore be enabled to cooperate effectively with private parties, in accordance with the needs of the Member States and respecting their national legislation.

9. Effective information-sharing with third countries

Cooperation with third countries is essential to the success of Europol's work. Successful work in fighting terrorism and organised crime requires cooperation beyond the European level. Existing bilateral agreements with third countries and their liaison offices at Europol headquarters in The Hague are a key foundation for successful partnerships and efficient cooperation.

Furthermore, if Europol is to properly fulfil its role as EU criminal information hub, more effective mechanisms must be put in place through which it can exchange information with other third countries. Here, too, appropriate safeguards must be guaranteed, e.g. a high level of data protection. We are confident that, when amending the Europol Regulation, we will find solutions that meet both of these requirements and overcome the current standstill.

10. Appropriate, future-oriented resources

In order to meet current and future challenges for the European area of freedom, security and justice, Europol must be provided with appropriate, future-oriented resources in terms of funding and personnel. New tasks must come with adequate resources and should not be at the expense of existing tasks.