

## **CZECH REPUBLIC**

### **CZ comments on Revision of Europol Regulation**

Please find interim Czech comments on document 13908/20. Further comments may be raised following ongoing scrutiny of the text:

#### **Article 4 (1) (h) – (q), (s) - (u)**

These points are superfluous and inconsequential. There is no need to stipulate particular examples of how the Europol supports Member State law enforcement. For example, it is not necessary to legislate that Europol supports cross-border cooperation of special intervention units; on the contrary, it puts in doubt any other support that is not explicitly included. In other cases, there are concrete rules on Europol action in separate instruments, such as TCO draft Regulation. Therefore, these points should be deleted.

#### **Article 4 (4a)**

This point diverges too far from the core tasks of Europol in that it mandates Europol to draw up and implement research and innovation programmes.

#### **Article 6**

CZ is strictly against such enhanced requests, which go beyond the mandate of Europol and are unnecessary.

#### **Article 18**

The stipulation of the extended period of provisional processing of data in paras 5a appears to exclude, in practice, processing of data that typically falls outside the categories in Annex II, such as data from suspicions transactions (cooperation between FIUs). CZ believes it would be better to simply provide for exception from Annex II at least in systematically important cases, similarly to Art. 18a(1).

#### **Article 20a**

The application of Art. 21(6), or Art. 19(2)(3), should be unambiguously stipulated to all types of cooperation with EPPO.

#### **Article 25**

While CZ supports appropriate strengthening of Europol's ability to transfer personal data to third countries, neither this amendment nor recital 23 provide sufficient explanation of how the approval of category of transfers differs from approval of transfers and when such an approval can be used on case-by-case basis in a specific situation.

## **Article 26**

Council Conclusions 14745/19 should form a basis of this proposal. In certain instances the consent or similar involvement of relevant Member State should be required (e.g. in para 5(a) or (d)). It should be clearly stipulated that cooperation of private parties is voluntary.

Obviously, the para 6a goes too far. The purpose of the Europol is to support the Member States, not the other way around.

## **Article 26a**

This provision should be limited to Europol's obligations under draft TCO Regulation. For example, para 5 goes too far and interferes with the responsibilities of Member States.

(end of file)