

## **HUNGARY**

### **Comments by Hungary on Blocks 1, 3, 5 and 7 of the proposal for amending Regulation (EU) 2016/794**

Please find below the preliminary comments made by Hungary on thematic Blocks 1, 3, 5 and 7 of the proposal for amending Regulation (EU) 2016/794. First of all we would like to stress that the Hungarian authorities are scrutinising the text of the regulation, and in this regard please consider our comments as initial ones.

In general Hungary agrees that the current Europol Regulation needs to be revised in a number of areas, as the challenges of recent years and the shortcomings identified in its implementation have made it clear that the Agency's role in supporting Member States can be implemented much more effectively, furthermore numerous tasks have arisen for Europol which need to be codified, for example strengthening cooperation with private parties and third countries is an urgent task. Having said this we would like to emphasize that by this regulation our aim should be to strengthen the core tasks of the agency and in this regard we consider it important to ensure the compliance with the Treaties and to avoid extending the mandate of the Europol to issues that fall within the exclusive competence of the Member States (such as the initiation/prioritisation of investigations).

#### **Block 1:**

As a general comment on this Block, we would like to have more clarity what would prevent the private parties located in third countries to provide the information received from Europol to any other party. We think that this is of concern especially when we talk about a private party which is not established within the Union or in a country with which Europol has a cooperation agreement allowing for the exchange of personal data, with which the Union has concluded an international agreement pursuant to Article 218 TFEU or which is the subject of an adequacy decision.

We can support the newly proposed text in recital 31, as we think that Member States should assess Europol's request and decide in accordance with their national laws whether or not to accede to it. However we would have appreciated a similar reference in the operational part of the text, but in the spirit of compromise we are ready to accept the proposal made by the Presidency.

As it was mentioned by several Member States regarding Article 26 we think that it would be important to find a solution according to which Europol should consults the national units concerned before forwarding the relevant information to a third country or international organisation, to be able to avoid cases when the relevant Member State wants to resubmit this information with a restrictions on access to it.

We welcome the addition of the definition of "online crisis situation".

#### **Block 3:**

In point (q) of Article 4 we would like to have more clarity if the wording "risk for security" refers to the security of the EU or it shall also refer to cases where only the security of one Member State is concerned.

Regarding Paragraph 4b we are still analysing if involving Europol in the screening of foreign direct investments should be part of the text, especially as Regulation (EU) 2019/452 has no specific reference to the involvement of the agency in such screening activities.

#### **Block 5:**

We would appreciate more clarity on the procedure according to which the Executive Director may authorise the transfer or categories of transfers of personal data to third countries or international organisations.

Furthermore as it was stated by some Member States during the LEWP meeting of 8 February we would like to ask the opinion of the CLS on the issue of treating the Schengen-associated countries in the same way as Member States when it comes to the cooperation of Europol and third countries.

**Block 7:**

Hungary would like to reiterate its firm position according to which it is of great concern that, “in specific cases where Europol considers that a criminal investigation should be initiated into a crime falling within the scope of its objectives, it shall request the competent authorities of the Member State or Member States concerned via the national units to initiate, conduct or coordinate such a criminal investigation”. We think that this provision would allow the agency to set priorities for the Member States when it comes to investigations carried out in the territory and this regard we would like to suggest the deletion of the changes in Article 6(1).