

BELGIUM

Written comments by Belgium concerning the proposed revision of the Europol Regulation (EU) 2016/794

Our remaining concerns in relation to block 1 on private parties are the following:

- In art. 26(6a) we believe that clarifications are still necessary. The private party will ideally send the information requested by Europol back to Europol via the MS, and COM believes this then should be considered as national information. To us this is not clear from the text. Also, the private party might provide information to Europol directly (seeing as this remains an open question in the current text) and COM explained to me that in that case the guarantees from art. 26(2) do not apply. So this means then that Europol does not have an obligation in that case to inform concerned MS, nor other concerned states. So this unclarity on the status of this information and what will be done with it is problematic according to us. We propose the following sentence to be added after the first sentence of paragraph 6a: 26(6a): *“If following this request Europol receives information directly from private parties, the procedures of the second paragraph will apply.”*
- We support the Dutch question on private parties not being prohibited to forward information received from Europol, as is the case for others in art. 23(7). Maybe also art. 23(6) requires similar attention to ensure purpose-limited use by private parties of the information they receive from Europol. We wonder if in both paragraphs of this article private parties could be added to the list of partners.

Our remaining concerns in relation to block 3 on research and innovation are the following:

- We support the previous German question on including an explicit reference to the preference for synthetic/anonymized data in the Regulation, because we believe that this task – using real data for research and innovation projects – is quite new within the EU data protection acquis and the principle of data minimization is insufficiently precise to this end. Taking inspiration from art. 13 of Regulation 2018/1725 we propose the following sentence to be added to art. 33a as a new paragraph (possibly replacing the non-existing paragraph 2): *“The principle of data minimization should be ensured through measures including pseudonymisation provided that the purposes of Europol’s research and innovation projects can be fulfilled in that manner. Where those purposes can be fulfilled by further processing which does not permit or no longer permits the identification of data subjects, those purposes shall be fulfilled in that manner.”* Another option is the following sentence: *“Preference should be given to using synthetic, pseudonymized and/or anonymized personal data.”*

Related to blocks 5 and 7 we would like to express an ongoing scrutiny reservation.