

## **CROATIA**

### PROPOSAL AMENDMENTS TO THE EUROPOL REGULATION:

1. Enabling Europol to cooperate effectively with private parties
2. Enabling Europol to process large and complex datasets
3. Strengthening Europol's role on research and innovation
4. Enabling Europol to enter data (alarms) in the SIS
5. Strengthening Europol's cooperation with third countries
6. Strengthening Europol's cooperation with the European Public Prosecutor's Office (EPPO)
7. Clarifying Europol's role in initiating investigations
8. Strengthening the data protection framework applicable to Europol

#### BLOCK 1

Currently, Europol is not allowed to exchange data directly with private parties (this primarily relates to banks, telecommunication operators and ISPs), which results in the lack of exchanges or leads to slow-paced exchanges. This is above all important when obtaining data relating to criminal investigations concerning several Member States. We are therefore of the opinion that amendments should allow for direct exchange.

#### BLOCK 2

In August 2020, EDPS issued a warning to Europol regarding the processing and analysis of large sets of computer data. The EDPS considers that Europol may not process and analyze all data on criminal offences submitted to Europol by Member States (obtained through court orders), because such data could include data from entities that have no connections to a criminal offense. Europol was given 6 months to align its systems and policies with the EDPS's recommendations. The discussions at LAWP showed that the EC and the Member States consider that the EDPS's opinion and recommendation are illogical and display a misunderstanding of Europol's legal framework, the origin and structure of the data as well as the purposes of data analysis. In this context, the HR representatives underlined that attempts should be made during the remainder time until the EDPS's deadline expires to clarify to the EDPS all the details of the process on which EDPS had given their opinion, since suspending the analysis of large sets of computer data done by the Europol would bring extremely adverse effects for the Member States. At the same time, while we deem Europol's legal framework in this area to be at satisfactory level, we are in favor of its amendments in order to define more clearly the data handling, the implementation of data protection and limits for data storage.

In short, we support the proposed change to the rules (restrictions) of data processing, because, in processing large sets of (computer) data, Europol is not in a position to distinguish immediately whether individual data relate to entities connected to a criminal offence (the only data that may be

processed). We also support extending the storage limits of such large datasets to make them available in subsequent judicial proceedings.

### BLOCK 3

Proposal is to strengthen the Europol's role in a way that Europol could assist the EC and the Member States in identifying, developing and using new technologies under its mandate. We support these changes.

### BLOCK 4

Proposal is to allow Europol to enter data (alarms) in the SIS. These alarms would be based on information received from third countries that do not have signed agreements on cooperation with Europol and would target potential terrorists and sex offenders. We consider it essential, from an operational standpoint, to make relevant data held by third States available to Member States. An alternative to this proposal could be to instruct Member States to use, thoroughly, Interpol databases into which those third countries enter the same data. If the proposal is accepted, it will be imperative to establish a verification system to check how reliable the third country data are and to verify the ownership of such data in terms of possibility of its further use. We are not against, but also not thrilled about this proposal. If an initiative is accepted, we will closely monitor its implementation.

### BLOCK 5

With the adoption of the current Europol Regulation, the power to conclude operational agreements on cooperation with third countries was transferred from Europol to the European Commission. Although such move was reasonable, in reality it turned out that the European Commission has not been able to conclude a single Europol cooperation agreement with third countries for more than three years. Needs for such agreements exist, and we therefore consider it necessary to modify the rules on the conclusion of operational agreements with third countries within the amendments to the Europol Regulation. In practice, this would suggest reinstating part of the power to conclude an agreement to the Europol Management Board, in which the European Commission would also have the right to vote on this matter. It remains to be seen how this issue will be resolved, but we are supportive of the initiative.

### BLOCK 6

We consider it necessary to regulate Europol's cooperation with the EPPO within the Regulation and the Working Arrangement. As regards Europol's obligation to report likely criminal offences to the EPPO, we want to avoid possible overlaps with Member States' obligations, and we are therefore in favor of clear and precise outlines of this obligation through amendments to the Regulation.

## BLOCK 7

Currently, Europol may request Member States to initiate an investigation only if there is a cross-border element of the criminal offence. Proposal is to remove this restriction on offences that are detrimental to the interests of the EU. We support this proposal.

## BLOCK 8

Proposed are specific changes to the rules on the protection of personal data, the most important being the alignment with the 'police' Directive. We support this proposal.