

CROATIA

Following up to the meeting of LEWP on 22 February, attached to this message please find enclosed the comments from the Republic of Croatia related to:

5397/21

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role on research and innovation

- block 4: enabling Europol to enter data into the Schengen Information System

It is indisputable that a third country's verified information on serious crime and terrorism should be made available to police officers in the field. This is why it has already been realized in Croatia through connecting the Ministry of the Interior Information System with the INTERPOL I24/7 system. Please note that this solution is applicable in all the other Member States, including SAC-Countries, since they are all INTERPOL member countries as well. In fact, most of them have this solution already implemented as this is the simplest solution to the issue.

However, in looking at a bigger picture of the comprehensive fight against organized crime and terrorism, we believe that it is not sufficient to provide police officers in the field with the access to information received from the third countries. Instead, the Member States should systematically exchange with Europol the new information emerging from activities performed based upon the initial information, and for the purpose of further analysis processing on the part of Europol. Since the SIS II is the primary choice for communication and exchange of information by police officers in the field, we believe the only logical solution would be to use it for the above mentioned purpose. In this respect, we support the proposal of the European Commission.

Furthermore, we believe that most of the remarks made at the meeting were unclear or unfounded. There is undoubtedly a legal basis in place for police action in each Member State, because the police powers include checking the information received irrespective of its source. Police action is also unambiguous because the conduct of the so-called discrete checks is expected. Moreover, the added value is unquestionable as well, for the reasons stated above. Regarding the remarks made, the ones we support are those pertaining to the need to exactly determine conditions under which Europol could forward the new information received from a Member State to the third country that has sent the initial information to Europol.