

## **HUNGARY**

Please find below the preliminary comments made by Hungary on 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).

However, in line with our preliminary observations, we would like to emphasize that we do not consider it acceptable that the revision of the Europol Regulation should go beyond the provisions set out in the EPPO Regulation. It is a matter of concern that, according to the draft text, Europol would be actively involved into EPPO procedures, as in our view, this would mean that Europol would be able to carry out its analysis based on its own initiative with the aim to suggest the initiation of investigations of the EPPO. In our view this could be considered as an indirect kind of “investigative” activity.

We are also concerned that the regulation would allow EPPO to have an indirect access to information stored in Europol's databases, as part of these information are provided by Member States which do not take part in the implementation of the EPPO regulation.

In our view, it is also worrying 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.

Finally, we would like to emphasize that prior consultation of Member States would be essential when it comes to sharing data sharing with private parties especially when the “private party concerned 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 as referred to in point (a) of Article 25(1) of this Regulation”.