

ROMANIA

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

- Romanian written comments on blocks 1 and 3 -

✓ **Block 1: enabling Europol to cooperate effectively with private parties**

- **Art. 1(2)(a)(iii)/ art 4 (1) (m) – We do not consider it necessary to propose the extension of Europol's area of competence from the *referral* (as is foreseen in the current Regulation) to supporting MS actions to prevent and combat **crimes promoted or committed using the Internet, in particular by coordinating** the response of law enforcement authorities' response to cyberattacks or the taking down of terrorist content online **for the following reasons:****

- a) **cyberattacks do not fall into the category of crimes foreseen under the Europol mandate;**
- b) **there are already provisions in the new TCO Regulation regarding the taking down of terrorist content online;**
- c) **it is important to avoid overlapping and duplication of mechanisms.**

- **art 1 (12) (a)/ Art 26 (2).** We consider that **through the amendments provided in Art. 26 (2) no improvements have been made compared to the current provisions considering the fact that the data obtained from private parties can be processed only pursuant to art.18 (a) (cross-checks) and not pursuant to letter (b) and (c), respectively strategic or operational analyses and after the identification of the competent authority the personal data thus obtained will be deleted. For a better management of this type of data, we consider that the personal data obtained from private parties should be stored at Europol level only for a determined period, only for fulfilling Europol's objectives and processed under art 18 (a), (b) and (c) of the Europol Regulation.**

-**Art. 1 (12) (c)/ Art 26 (5).** An additional amendment should be made by adding **and following prior consent of MS** as follows: *Europol may transmit or transfer personal data to private parties on a case-by-case basis, where it is strictly necessary, and following prior consent of MS and subject to any possible restrictions stipulated pursuant to Article 19 (2) or (3) and without prejudice to Article 67, in the following cases: (...) Europol may transmit or transfer data to private parties only after consultation and approval of the data provider (MS concerned).*

With regard to recital (25), the specific circumstances that could allow such an exchange of personal data should be defined. As for recital (35) the exchange of personal data with private parties should take place only with MS agreement, so as not to affect ongoing operations.

-Art 1 (12) (d)/ 26 (6b). Further details are needed on the Europol infrastructure that could be used in the exchange of data and information between a competent authority of a Member State and private parties.

With regard to data protection, the legal conditions for the processing of personal data and the transfer of personal data must be complied with, in accordance with the provisions of Regulation (EU) 2018/1725. We support the provisions of paragraph 1 of art. 36 for maintain the provisions regarding the manner of exercising the right of access.

➤ **Block 3 - strengthening Europol's role on research and innovation**

- **Art.1(5)(a)(ii), art. 1(5)(b) și art. 1(19). We need additional information / clarifications regarding these Articles, respectively the personal data / categories of personal data that are intended to be processed for research and innovation purposes in relation to the issues covered by this proposal for a Regulation on the development, preparation, testing and validation of algorithms for the development of tools, as well as whether this activity cannot be performed by using fictitious personal data or previously established personal data to be used in the case of such tests.**

With regard to the processing of personal data, in the context of the proposed Europol Regulation and the role that EUROPOL will play in the field of research and innovation, a new provision on processing personal data for research and innovation purposes is necessary in order to strengthen the safeguard of fair and lawful processing, .