



*Meeting of the Joint Parliamentary Scrutiny Group
on the European Union Agency for Law Enforcement Cooperation (Europol)*

19 March 2018

*“EDPS supervision of Europol:
2017 activities and ongoing work”*

Honourable members of the European Parliament, honourable members of the national parliaments, it is a duty but also my sincere pleasure to appear again before the Joint Parliamentary Scrutiny Group, although remotely.

As you know, we only started our role as Europol’s data protection Supervisory body in May last year. After almost one year, Europol Supervision remains a core business in the context of the broader EDPS mission.

In fact, our supervision on Europol constitutes a specific chapter of our Annual Report for 2017, which will be presented tomorrow at the LIBE Committee of the European Parliament here in Brussels.

This event is one of the reasons which impeded my participation in person today. I sincerely regret not being with you at this meeting, which, I am sure, is going to be a fruitful and successful one.

We believe that the Joint Parliamentary Scrutiny Group may play an essential role in politically monitoring Europol’s activities. I am not only referring to the fulfilment of Europol’s mission but also to its activities’ impact on fundamental rights and freedoms of individuals.

I am also confident that the JPSG, after its start-up phase, could also contribute to stimulate a more comprehensive debate on EU policies and their implementation in the Area of Freedom, Security and Justice.

I greatly appreciated the tone and the content of the first constituent meeting in October last year. On that occasion, I briefly described the new EDPS approach to Europol supervision.

We steadily focused on the key concepts of accountability; cooperation with national supervisory authorities; innovative approach and we have been building precisely upon these three cornerstones.

Through-out this first year, our supervision has been a substantial exercise. In addition to the handling of complaints and consultations, we conducted our first inspection in December last year. A second one is in the pipeline.

We acted and intend to audit Europol together with experts from the national supervisory authorities, so as to build on the previous experience we shared with them within the former Joint Supervisory Body. Its legacy is in very good hands.

We ensured continuity and evolution with the JSB mission by focusing also on 'special categories of persons', sensitive data, data review and data retention.

Further down the line, we aim to obtain improved "auditability", while not stifling innovation in the intelligence products and processes.

We are committed to further developing data mapping and a fine-tuned methodology for data protection risk assessment that will accompany Europol's 'prior consultation requests' to the EDPS.

Working in tandem with the Europol's Data Protection Function has been and is key in that respect.

Developing new technologies so as to keep the pace with new challenges of the different forms of crime, is key to Europol. Our supervision aims to ensure that this technological dimension is properly balanced with the need of having high standards of security and data protection for the individuals.

The extent of our efforts over Europol remain however dependent on the related legal framework.

I have been repeatedly calling for a speedy adoption of the new Regulation for the EU institutions and bodies so that it would be applicable on 25 May, at the same time as GDPR.

This timing now appears as difficult to be respected. However, a swift adoption of this regulation remains key if the law wants to contribute to the consistency and harmonisation of data protection framework across the EU.

The new proposed regulation would encompass both administrative data and so-called operational data.

The EU legislators are in the last mile of an intense exchange of views on whether or not we should have a sole and only data protection regime applicable for EU institutions.

As reiterated in many EDPS Opinions, we welcome initiatives which seek to introduce more coherence and consistency in this area along with a limited number of justified specific provisions relating to so-called 'operational data' processed by EU law enforcement bodies.

We continue to support the principle of 'one law for all' EU institutions and bodies, especially for administrative data, subject to coherent, specific rules applying to certain 'core business' law enforcement activities."

Indeed, we should not overlook the increased interaction, in the form of exchange of information and personal data, between police and justice institutional actors and those having 'administrative' tasks.

This trend would call for a *reductio ad unitatem* of the data protection rules, under the umbrella of EDPS Supervision.

The main, and almost the only, significant problem concerns the subset of the so-called operational data processed by Europol, Eurojust and EPPO, mentioned above. This is certainly a point of strategic importance.

I hope that the co-legislators will soon find a sound and balanced solution on this challenging but essential piece of legislation.

What does the future hold for our supervision on Europol? We need to think and act coherently.

The EDPS is advisor to the EU legislator and supervisory authority of all EU institutions and bodies. We have an ideal position in 'connecting the dots' and in identifying problems and challenges of common concern to Europol and large scale information systems.

We are keen to develop this area of supervision, on which so far we have constructively been working together with the national supervisory authorities.

International transfers from Europol to third countries and international organizations is also an area of paramount importance to which we continue to devote deep attention, as confirmed by the Opinion I adopted on March 14 on the eight negotiating mandates to conclude international agreements allowing the exchange of data between Europol and third countries.

Let me conclude by paying a tribute to the Executive Director of Europol, Rob Wainwright and to his deep commitment to data protection.

As Mr Wainwright recently wrote, data protection is an "opportunity to improve internal business process and enhance external level of trust". This is also the way we worked together, trustfully, and fruitfully.

I will give the floor now to Wojciech Wiewiorowski, European Data Protection Assistant Supervisor, who will further detail the EDPS Supervision on Europol and reply to your questions on the spot.

I wish you all an engaging and fruitful discussion.