EUROPOL: establishing the European Police Office

2006/0310(CNS) - 20/12/2006 - Legislative proposal

PURPOSE: to establish the European Police Office (Europol) as a Community Agency by altering its legal basis from a ?Convention? to a ?Council Decision?.

PROPOSED ACT: Council Decision.

BACKGROUND: the European Police Office (Europol) is regulated through a 1995 Convention based on Article K.3 of the Treaty on European Union. Since its legal base is Article K.3 its operations, decision making procedures and funding are intergovernmental in nature. This leads to a number of complications. For example, since its establishment, necessary changes have had to be enacted via Protocols (three in total), which require ratification in each of the EU?s Member States. None of the Protocols have been ratified, resulting in the stagnation of important reforms.

CONTENT: the purpose of this proposal is to establish Europol as a Community Agency whose funding stems from the Community budget. In doing so, Europol would be on the same legal and financial footing as Eurojust and CEPOL, the European Police College. Establishing Europol as an agency of the European Union, funded from the general budget of the European Communities will enhance the role of the European Parliament, thereby enhancing the democratic oversight of Europol. In addition, by submitting Europol to the general rules and procedures applicable to other bodies and agencies, administrative simplification will be assured allowing Europol to concentrate more of its resources on its core tasks.

The current proposal aims to establish Europol on the basis of a Council Decision, in which all of the amendments, set out in the three Protocols are incorporated. In order to ensure a smooth transition a significant number of transitional provisions have been included guaranteeing that the process will not interfere with Europol?s operational work and that existing rights of staff are not prejudiced. At the same time, the Decision seeks to ensure full respect of the right to freedom and security; the right to a private and family life; the right to protection of personal data; and lastly to follow the principles of legality and proportionality vis-à-vis criminal offences and penalties.

In order to increase the effectiveness of Europol, the proposal also contains improvements to its mandate and an extension of its tasks, particularly in the field of data processing and data protection. Thus, the Commission proposes to:

- extend the mandate of Europol to criminality, which is not strictly related to organised crime. If adopted it will, however, ease support provided by Europol to Member States in relation to cross-border criminal investigations where involvement of organised crime is not demonstrated from the start;
- allow Europol to receive data from private bodies, in line with recommendation No 22 of the Friends of the Presidency report;
- support Member States organising a major international event and who need to deal with public order policing;
- entitle Europol to manage new information processing tools on, for example, terrorists or paedophiles. The Council will be responsible for determining the conditions related to the processing of personal data;
- allow for the interoperability of data processing systems ? in other words making the Europol system compatible with national systems. This will create the technical conditions needed for a smooth exchange of data. Legal frameworks will be put in place to ensure that such an exchange is in line with Community data protection legislation;
- allow national authorities direct access to the Europol Information System. Under the current system access is only allowed via liaison officers ? however, the procedure is cumbersome and challenging to implement in practices;
- to extend from one year to three storage of Europol data. This reduces the administrative burden on analysts working on this file so that they can focus on their main objective, namely to provide criminal analysis services;
- retain ?Analysis work files? for a maximum of three years and, where necessary, for a further three years;
- establish a Data Protection Officer, who will be completely independent of Europol.

As far as the budgetary implications are concerned, a total of EUR 334 million has been set aside to finance Europol from the Community budget between 2010 and 2013. These figures are consistent with Europol?s five year financing plan. Europol?s annual budget for 2007 is close to EUR 68 million. The total number of staff employed from the budget, in 2007, will be 406.

For a more detailed analysis of the financial impact of this proposal, refer to financial statement.