

## LATVIA

### **LV written comments regarding the Commission (COM) proposal amending Europol Regulation<sup>1</sup> (hereinafter – COM proposal)**

#### **LV overall position on the COM proposal**

In general, LV **welcomes** COM proposal that corresponds to the existing and foreseeable future challenges, for instance, in the context of developments in digitalisation and modern technologies.

LV believes that in view of the proposed changes Europol will be able to provide **a more effective, operational and innovative support** to the Member States regarding cross-border investigations with adequate respect of fundamental rights, in particular personal data.

LV also believes that it is important to ensure that **powers, tasks and aims of the strengthened Europol** do not duplicate the work performed by the law enforcement authorities (LEAs), but supplement it. It is also important that the new mandate of Europol does not result in an unjustified burden on the Member States.

Furthermore, any amendments in the Europol mandate should be assessed against **Article 88 of the Treaty on the Functioning of the European Union (EU)** and Europol's mission to **support and strengthen** action by the Member State's police authorities and other law enforcement authorities and their mutual cooperation. LV also finds it important to ensure that, when enlarging the mandate of Europol, **the tasks of the EU decentralized agencies do not overlap** that, inter alia, would allow promoting a well-considered use of the Multiannual Financial Framework funding.

In addition, LV finds it crucial to ensure **adequate and meaningful involvement of Member States in Europol's decision-making processes**.

LV is also convinced that, in the course of discussion within the Council, **the main emphasis must be placed on the quality of the amendments rather than on their speedy adoption**.

#### **LV detailed position on specific thematic blocs of the COM proposal**

##### Thematic bloc I: enabling Europol to cooperate effectively with **private parties**

- Article 23(7) of the Europol Regulation

LV **agrees** that private parties should not be able to onward personal data held by Europol. In view of this, LV **supports NL proposal** to add a reference to “private parties” in Article 23(7) of the Europol Regulation.

- Article (1)(12)(d) (new Article 26(6a) of the Europol Regulation)

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<sup>1</sup> 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, COM (2020) 796 final

LV **welcomes** PRES changes in the related Recital 31 that clarify that Member States are not obliged to reply to Europol's requests on private parties. At the same time, LV believes that this aspect should also be **duly reflected in the relevant article**. Thus, LV suggests to replace the beginning of Article 26(6a) "*Europol may request (...)*" with "*Europol may ask (...)*". LV also notes that in the related Recital 31 such a wording is used "*(...) **Europol should be able to ask Member States, via their national units, to request private parties (...)***".

- *Article (1)(12)(d) (new Article 26(6b) of the Europol Regulation)*

LV notes that so far no clear answer has been provided to the questions (1) on Europol's rights to access personal data exchanged between the competent authorities and private parties on crimes falling in the scope of the objectives of Europol and (2) on the specific Europol's infrastructure to be used for such exchanges between the competent authorities and private parties. In view of this, LV **continues having concerns** with regard to the relevant provision.

### Thematic bloc III: strengthening Europol's role on research and innovation

- *Article (1)(2)(d) (new Article 4(4b) of the Europol Regulation)*

As far as the screening of specific cases of foreign direct investments into the Union under Regulation (EU) 2019/452 is concerned, LV notes that **information on the possible Europol's role in the screening process provided to date has not been convincing enough**.

### Thematic bloc VII: clarifying that Europol may request the initiation of an investigation of a crime affecting a common interest covered by a Union policy

- *Article 1(3) (amended Article 6(1) of the Europol Regulation)*

LV **reiterates its reserved position** regarding the amendments in Article 6(1) of the Europol Regulation as proposed by COM. In LV view, these amendments **substantially expand Europol's rights** to request the initiation of an investigation of a crime affecting a common interest covered by a Union policy and only one Member State rather than clarify the relevant provision. LV sees that in such a way, a cross-border dimension is abandoned, as well as distribution of competences between the EU and the Member States laid down in the EU Treaties is not respected.