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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

On: 9 December 2021

To: Delegations

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Subject: Council Conclusions on the European Court of Auditors' Special Report No 19/2021 entitled "Europol support to fight migrant smuggling: a valued partner, but insufficient use of data sources and result measurement"
– *Council Conclusions* (9 December 2021)

Delegations will find in the annex the Council Conclusions on European Court of Auditors' Special Report No 19/2021 entitled "Europol support to fight migrant smuggling: a valued partner, but insufficient use of data sources and result measurement", approved by the Council (Justice and Home Affairs) at its 3837th meeting held on 9 December 2021.

COUNCIL CONCLUSIONS

on European Court of Auditors' Special Report No 19/2021 entitled
"Europol support to fight migrant smuggling: a valued partner, but insufficient use of data sources
and result measurement"

THE COUNCIL OF THE EUROPEAN UNION:

1. WELCOMES the European Court of Auditors' Special Report No 19/2021 "Europol support to fight migrant smuggling: a valued partner, but insufficient use of data sources and result measurement";
2. TAKES NOTE of the important focus of the Special Report on Europol support to fight migrant smuggling;
3. ACKNOWLEDGES all the conclusions and recommendations in the Special Report, in particular that Europol partners value its strategic and operational support, although monitoring of results should be enhanced by Europol with Member States and relevant non-EU partners;
4. NOTES that the Special Report identifies three main issues affecting the completeness of information obtained by Europol:
 - varying degrees of activity among Member States in feeding Europol databases,
 - problems encountered in launching and conducting bilateral negotiations to conclude international agreements with priority non-EU countries, and
 - Europol's inability to collect and analyse information directly from private parties;

5. in that context, EMPHASISES the importance of Europol's ability to exchange relevant information with non-EU countries, CALLS ON the Commission to intensify its efforts in the negotiations of international agreements with priority non-EU countries, AND WELCOMES the intention of the Council and the European Parliament in the recast of the Europol Regulation to improve Europol's ability for structural exchange of information with third countries, with due consideration for the global role of INTERPOL;
6. ALSO EMPHASISES the need to extend Europol's ability to receive and process personal data from private parties, such as online service providers, which could be achieved with the recast of the Europol Regulation proposed by the Commission, together with additional possibilities of cooperation with third countries; UNDERLINES, however, the necessity to avoid interference with reporting obligations of private entities already provided for in the framework of the fight against money laundering and terrorism financing;
7. ALSO NOTES that Europol currently does not make sufficient use of external data sources, as it is actively using the Schengen Information System (SIS), but more rarely using Interpol databases, the Visa Information System (VIS) and EURODAC, primarily due to technical and legal issues which should be solved with the possibility to query all these databases simultaneously, as provided for by the Interoperability Regulation (2019/818);
8. RECALLS that in May 2021 the Council adopted conclusions setting the 2022-2025 EU priorities for the fight against serious and organised crime through the European multi-disciplinary platform against criminal threats (EMPACT), and that the fight against migrant smuggling is set as one of those priorities, in particular regarding the fight against criminal networks providing facilitation services along the main migratory routes;
9. RECALLS the Joint Declaration of the Home Affairs Ministers of the EU on the Future of Europol of 21 October 2020, according to which Europol shall work together with other established actors in the European and global security architecture based on a division of tasks, BEARING IN MIND the Agency's central location in The Hague, and UNDERLINING that Europol's biggest added value lies in its core tasks of information-sharing, analysis and operational support;

10. RECALLS that the Commission adopted on 29 September 2021 a renewed EU action plan against migrant smuggling (2021-2025), which contributes to the implementation of the New Pact on Migration and Asylum by aiming to prevent loss of life, reduce irregular migration and facilitate orderly migration management, with an improved cooperation with partner countries and international organisations;
11. TAKES NOTE of Europol's replies which accompany the Special Report and the fact that Europol accepts all the recommendations of the Special Report;
12. UNDERLINES the important support provided by EMSC to EU Member States and partner third countries in targeting and dismantling the complex and sophisticated criminal networks involved in migrant smuggling and RECOGNISES the importance of:
 - improving the access by EMSC to all relevant sources of information;
 - enhancing data exchange between Europol and all its partners, notably Frontex, through the development and implementation of the required IT tools and protocols;
 - improving performance monitoring and reporting for the EMSC activities; and
 - increasing the transparency and accountability of the case prioritisation process.
13. INVITES the European Court of Auditors to keep the Council informed of future audit reports on the same issue.
