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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	13908/20 + COR 1
No. Cion doc.:	COM(2020) 796 final
Subject:	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 - Overview of thematic blocks for discussion

Delegations will find in the Annex an overview of thematic blocs to be discussed during the examination of the Commission proposal for a Regulation amending Regulation (EU) 2016/794 (Europol Regulation).

Before each meeting of the Law Enforcement Working Party, the Presidency will select one or more of the thematic blocs below and announce them to the delegations. Delegations are kindly invited to refer to this document in order to identify the exact provisions to be examined.

Thematic blocks for the discussion of the proposal to strengthen the Europol mandate

Block 1: enabling Europol to cooperate effectively with private parties

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794¹ or new provision in Regulation (EU) 2016/794
• Article 1(2)(a)(iii)	• Article 4(1)(m) [amended]
• Article 1(2)(a)(iv)	• Article 4(1)(u) [new]
• Article 1(5)(a)(i)	• Article 18(2)(d) [amended]
• Article 1(12)(a)	• Article 26(2) [amended]
• Article 1(12)(b)	• Article 26(4) [amended]
• Article 1(12)(c)	• Article 26(5) [amended]
• Article 1(12)(c)	• Article 26(6) [amended]
• Article 1(12)(d)	• Article 26(6a) [new]
• Article 1(12)(d)	• Article 26(6b) [new]
• Article 1(12)(e)	• Article 26(9) [deleted]
• Article 1(12)(e)	• Article 26(10) [deleted]
• Article 1(13)	• Article 26a [new]

Block 2: enabling Europol to process large and complex datasets

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794² or new provision in Regulation (EU) 2016/794
• Article 1(1)(c)	• Article 2(q) [new]
• Article 1(5)(c)	• Article 18(5) [amended]
• Article 1(5)(d)	• Article 18(5a) [new]
• Article 1(6)	• Article 18a [new]

¹ As amended by Regulation (EU) 2018/1241.

² As amended by Regulation (EU) 2018/1241.

Block 3: strengthening Europol's role on research and innovation

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794 ³ or new provision in Regulation (EU) 2016/794
• Article 1(2)(a)(iv)	• Article 4(1)(t) [new]
• Article 1(2)(d)	• Article 4(4a) [new]
• Article 1(2)(d)	• Article 4(4b) [new]
• Article 1(5)(a)(ii)	• Article 18(2)(e) [new]
• Article 1(5)(b)	• Article 18(3a) [new]
• Article 1(19)	• Article 33a [new]

Block 4: enabling Europol to enter data into the Schengen Information System

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794 ⁴ or new provision in Regulation (EU) 2016/794
• Article 1(2)(a)(iv)	• Article 4(1)(r) [new]

Block 5: strengthening Europol's cooperation with third countries

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794 ⁵ or new provision in Regulation (EU) 2016/794
• Article 1(11)(a)	• Article 25(5) [amended]

³ As amended by Regulation (EU) 2018/1241.

⁴ As amended by Regulation (EU) 2018/1241.

⁵ As amended by Regulation (EU) 2018/1241.

Block 6: strengthening Europol's cooperation with the EPPO

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794 ⁶ or new provision in Regulation (EU) 2016/794
• Article 1(8)	• Article 20a [new]

Block 7: clarifying that Europol may request the initiation of an investigation of a crime affecting a common interest covered by a Union policy

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794 ⁷ or new provision in Regulation (EU) 2016/794
• Article 1(3)	• Article 6(1) [amended]

Block 8: strengthening the data protection framework applicable to Europol

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794 ⁸ or new provision in Regulation (EU) 2016/794
• Article 1(1)(a)	• Article 2(h) [deleted]
• Article 1(1)(a)	• Article 2(i) [deleted]
• Article 1(1)(a)	• Article 2(j) [deleted]
• Article 1(1)(a)	• Article 2(k) [deleted]
• Article 1(1)(a)	• Article 2(m) [deleted]
• Article 1(1)(a)	• Article 2(n) [deleted]
• Article 1(1)(a)	• Article 2(o) [deleted]
• Article 1(1)(b)	• Article 2(p) [amended]
• Article 1(9)	• Article 21(8) [amended]
• Article 1(10)	• Article 24 [amended]
• Article 1(11)(a)	• Article 25(8) [amended]
• Article 1(14)	• Article 27(a) [new]
• Article 1(15)	• Article 28 [deleted]
• Article 1(16)(a)	• Article 30(2) [amended]
• Article 1(16)(b)	• Article 30(3) [amended]
• Article 1(16)(c)	• Article 30(4) [deleted]
• Article 1(16)(d)	• Article 30(5) [amended]

⁶ As amended by Regulation (EU) 2018/1241.

⁷ As amended by Regulation (EU) 2018/1241.

⁸ As amended by Regulation (EU) 2018/1241.

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794⁸ or new provision in Regulation (EU) 2016/794
• Article 1(17)	• Article 32 [amended]
• Article 1(18)	• Article 33 [deleted]
• Article 1(20)(a)	• Article 34(1) [amended]
• Article 1(20)(b)	• Article 34(3) [deleted]
• Article 1(21)(a)	• Article 35(1) [deleted]
• Article 1(21)(a)	• Article 35(2) [deleted]
• Article 1(21)(b)	• Article 35(3) [amended]
• Article 1(21)(b)	• Article 35(4) [deleted]
• Article 1(21)(b)	• Article 35(5) [deleted]
• Article 1(22)(a)	• Article 36(1) [deleted]
• Article 1(22)(a)	• Article 36(2) [deleted]
• Article 1(22)(b)	• Article 36(3) [amended]
• Article 1(22)(c)	• Article 36(6) [deleted]
• Article 1(22)(c)	• Article 36(7) [deleted]
• Article 1(23)(a)	• Article 37(1) [amended]
• Article 1(23)(b)	• Article 37(2) [deleted]
• Article 1(23)(c)	• Article 37(3) [amended]
• Article 1(23)(d)	• Article 37(8) [deleted]
• Article 1(23)(d)	• Article 37(9) [deleted]
• Article 1(24)	• Article 37(a) [new]
• Article 1(25)(a)	• Article 38(4) [amended]
• Article 1(25)(b)	• Article 38(7) [amended]
• Article 1(26)(a)	• Article 39(1) [amended]
• Article 1(26)(b)	• Article 39(2) & (3) [deleted]
• Article 1(27)	• Article 39a [new]
• Article 1(28)(a)	• Article 40 [title amended]
• Article 1(28)(b)	• Article 40(1) [amended]
• Article 1(28)(c)	• Article 40(2) [amended]
• Article 1(29)	• Article 41 [amended]
• Article 1(30)	• Article 41(a) [new]
• Article 1(30)	• Article 42(b) [new]
• Article 1(31)	• Article 42(a) & (b) [amended]
• Article 1(32)(a)	• Article 43(1) [amended]
• Article 1(32)(b)	• Article 43(5) [amended]
• Article 1(33)	• Article 44(2) [amended]
• Article 1(34)	• Article 45 [deleted]
• Article 1(34)	• Article 46 [deleted]
• Article 1(35)(a)	• Article 47(1) [amended]
• Article 1(35)(b)	• Article 47(a) [amended]
• Article 1(35)(c)	• Article 47(5) [new]
• Article 1(36)(a)	• Article 50 [amended title]
• Article 1(36)(b)	• Article 50(1) [deleted]

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794⁸ or new provision in Regulation (EU) 2016/794
• Article 1(36)(c)	• Article 50(2) [amended]

Block 9: other provisions

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794⁹ or new provision in Regulation (EU) 2016/794
• Article 1(2)(a)(i) – support intervention units	• Article 4(1)(h) [amended]
• Article 1(2)(a)(ii) – cooperate with ENISA	• Article 4(1)(j) [amended]
• Article 1(2)(a)(iv) – support MS’ HVT investigations	• Article 4(1)(q) [new]
• Article 1(2)(a)(iv) – support Schengen evaluation and monitoring mechanism	• Article 4(1)(s) [new]
• Article 1(2)(b) – support EMPACT activities	• Article 4(2) [amended]
• Article 1(2)(c) – support MS and the COM in risk assessments	• Article 4(3) [amended]
• Article 1(2)(e) – support MS in taking investigative measures	• Article 4(5) [new]
• Article 1(4) – cooperation with FIUs	• Article 7(8) [amended]
• Article 1(5) – support MS in locating most wanted individuals	• Article 18(2)(f) [new]
• Article 1(7)(a) – information directly accessible in the context of operational analysis	• Article 20(2)(a) [new]
• Article 1(7)(b) – information processing for judicial proceedings	• Article 20(3) [new]
• Article 1(7)(c) – Europol staff providing evidence in judicial proceedings	• Article 20(5) [new]
• Article 1(9) – Europol providing information to OLAF	• Article 21(8) [new]
• Article 1(16)(b) – access to data by MS	• Article 30(3) [amended]
• Article 1(37) – information provided by Europol for joint Parliamentary Scrutiny	• Article 51(3) [amended]
• Article 1(38) – funding contributions	• Article 57(4) [amended]
• Article 1(39)(a) – Commission Delegated Regulation	• Article 61(1) [amended]
• Article 1(39)(b) – grants for tasks under Article 3 and 4	• Article 61(2) [amended]

⁹ As amended by Regulation (EU) 2018/1241.

reference in proposal COM(2020) 796 final	affected provision in Regulation (EU) 2016/794⁹ or new provision in Regulation (EU) 2016/794
• Article 1(39)(b) – grants without call for proposal	• Article 61(3) [amended]
• Article 1(39)(c) – grants for full investment costs in exceptional cases	• Article 61(3a) [new]
• Article 1(40) – Security rules on classified and sensitive non-classified information	• Article 67 [amended]
• Article 1(41) – Assessing the implementation of Article 18 and 26 new competences	• Article 68(3) [added]