

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Establishing a European Law Enforcement Training Scheme (COM (2013) 172 final)

Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Council Decisions 2009/371/JHA and 2005/681/JHA (COM (2013) 173 final)

APPROVED FINAL DOCUMENT

The Committee on Constitutional Affairs, the Presidency of Council of Ministers and Internal Affairs,

Having examined, pursuant to Rule 127 of the Rules: the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Establishing a European Law Enforcement Training Scheme (COM (2013) 172 final); the Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Council Decisions 2009/371/JHA and 2005/681/JHA (COM (2013) 173 final); and the Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts COM (2011) 897 final);

having regard to the opinion issued by the European Union Policies Committee of the Chamber of Deputies in respect of the foregoing;

Whereas:

The set of measures contained in this package seeks to strengthen efforts to prevent and combat various forms of transnational organised crime and terrorism by, in particular, enhancing the role of Europol, which already discharges the valuable task of reporting and exchanging information with the competent authorities of Member States and other specialised agencies of the European Union;

The objectives sought by the measures are to be welcomed, and the changes and additions to the current rules merit considerable appreciation.

That said, a number of provisions appear not to correspond fully to the stated purpose. In particular, the following are problematic:

the absence of precise provisions for the implementation of the principle enshrined in Article 88 of the Treaty of Lisbon relating to the involvement of national parliaments in the scrutiny of the activities of Europol;

increasing the disclosure requirements imposed on national law enforcement authorities in the manner prescribed risks leading to higher administrative costs that the existing structures may not be able to cover, also in consideration of the fact that the centralised operations currently carried out by National Units could be undermined;

the new rules on the training of officials and, especially, the planned abolition of the European Police College (CEPOL), given that the latter has to date performed the tasks assigned to it in a highly satisfactory manner;

certain provisions regarding the organisational and governance structure of Europol appear to point to a multiplication of bodies, which would not be consistent with the declared aim of rationalisation;

some of the provisions relating to the treatment of information and the protection of personal data;

In view of the fact that the package has been received critically by several Member States' parliaments and, especially, given that in some cases the negative reception has been formalised as reasoned opinions concerning its failure to comply with the principles of subsidiarity;

Mindful of the requirement that the present final document, accompanied by the text of the opinion given by the Committee on European Union Policies, be transmitted to the European Commission as part of the informal political dialogue, as well as to European Parliament and the Council,

does hereby express:

A FAVOURABLE OPINION

subject to the following condition:

Action needs to be taken to remedy the fact that the text appears to be utterly lacking in reference to instruments and procedures that would give concrete effect to the principle that national parliaments should be involved in the scrutiny of Europol's activities. In this regard, a careful examination is advisable regarding the scope of Article 54 of the proposed regulation, according to which access to classified and

sensitive non-classified information processed by or through Europol may be granted to the European Parliament and its representatives upon request;

And with the following observations:

a) verification should be made of whether the measures proposing the abolition of CEPOL and the assignment of its powers to Europol really constitute an effective response to the need for greater efficiency, whether the predicted savings can really be achieved, or whether the measures might weaken the broad-spectrum training that CEPOL currently carries out to the full satisfaction of the authorities that use it;

b) with regard to the organisational and governance structure of Europol, careful assessment should be made of the extent to which the functions of the Executive Committee, the establishment of which is optional, might overlap with those of the Executive Director;

c) again with reference to the organisational structure of Europol, the following points should be examined:

1) whether the right attributed to the Management Board to set up advisory bodies (without any limitation, it is assumed) might not bloat the organisational structure and result in higher administrative costs;

2) whether the increase in the number of European Commission representatives on the Management Board from one to two is liable to disrupt the existing balance with respect the representation of Member States on the same;

3) what the effects might be of adopting, with all due caution, simple majority voting in place of the current system requiring two-thirds majorities;

d) with regard to the provisions contained in Chapter V on the treatment of information, a closer look needs to be taken at the possible repercussions of the provision allowing Europol to share information with unspecified "private parties" defined as potential partners of the Agency.

The Chair of the Committee on Constitutional Affairs, the Presidency of Council of Ministers and Internal Affairs,

Rome, 15 October 2013