



**EUROPEAN COMMISSION**  
Impact Assessment Board

Brussels,  
D(2012)

**Opinion**

**Title**                    **DG HOME - Impact Assessment on a proposal for the reform of the European Police Office (Europol)**  
**(resubmitted version of 5 September 2012)\***

**(A) Context**

The Treaty of Lisbon provides for a new legal basis for Europol which will include procedures for the scrutiny of the European Police Office (Europol)'s activities by the European Parliament together with national parliaments. As the Council's Decision on Europol has been adopted before the entry into force of the Treaty it needs to be replaced by a regulation reflecting the new requirements. At the same time some shortcomings can be addressed that prevent Europol from fully exploiting its operational potential and its accountability and data protection regimes can be improved. Some recent strategic EU documents have called for an evolution of Europol: the Stockholm Program states that it "should become a hub for information exchange between the law enforcement authorities of the Member States, a service provider and a platform for law enforcement services". The "EU Internal Security Strategy" of November 2010 identifies five objectives in the area of security. Three of them - disruption of criminal networks, prevention of terrorism and security of cyberspace – fall within the Agency's mandate. Finally, the EU institutions have recently agreed on a common approach on agencies. Against this background this report assesses the impact of options for the reform of Europol.

**(B) Overall assessment**

**Although the report has been improved on the basis of the Board's recommendations it still needs to be strengthened in a number of respects. Firstly, the problem definition should include a robust baseline scenario that clearly indicates how the core problems and their drivers are expected to develop, based on evidence from evaluations and studies, and on stakeholder input. Secondly, the report should explain more clearly how the objectives will address the main problems, and define a broader range of options to deliver the required results. For example, for the constraints on data processing, the objectives should define the requirements for improvement, and the options should concretely describe different ways to achieve this. Third, the report should present the assessment of the relevant costs and benefits of the various options in a more transparent way, where possible in quantitative terms, and supported by evidence. Finally, it should present the comparison of options more transparently, by explaining how the qualitative indicators in the summary table relate to the presented evidence.**

\* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

## **(C) Main recommendations for improvements**

**(1) Further strengthen the baseline scenario.** The report should build a robust and transparent baseline scenario, showing how the core problems and their drivers are expected to develop, based on the evidence provided in the Europol evaluation, additional studies and stakeholder input. It should better explain in the main text why certain problems identified in the evaluation are not discussed in the IA report. Specific aspects of the problem (e.g. "Member States do not comply with their legal obligation", or "do not recognize the existence of an obligation"), should be better analysed and explained to be able to define appropriate options to effectively solve the problem. The baseline scenario should more explicitly incorporate the changes to the legal basis that are required under the Lisbon Treaty, the CEPOL review and the common approach on governance of decentralised agencies.

**(2) Better present the intervention logic.** The report should make a greater effort to formulate the objectives in more concrete terms that more clearly address the main problems and problem drivers identified, for instance by clarifying how the stated objective to "ensure purpose limitation and proportionality of data processing" will address the constraints on data processing described in the problem definition. It should also better explain the relevance of this initiative for achieving a better and more efficient cooperation with other EU Agencies in the area of Justice and Home Affairs. The presentation of the options still needs to be revised in line with the restructured problem definition and improved intervention logic, and the range of options discussed should be broadened to at least three or four alternative approaches. The actual content of the options should be defined in more detail to allow a better assessment of how effectively and efficiently they will address the problems identified. In this context the report should still give a more transparent overview and specification of the envisaged funding arrangements (EU budget, national budgets) in the main text – possibly referring to detailed calculations in Annexes - for the various options.

**(3) Provide a more transparent presentation of the impacts.** The report should fundamentally restructure its presentation of the costs and benefits of the various options to show the concrete impacts in the main text, for instance by analysing explicitly the different cost categories such as required staff and material costs. The quantification of impacts should still be improved (staff levels, instances of request for cooperation, staff involved in joint activities, etc.). Impacts should be presented in a transparent way relative to the baseline scenario. The qualitative indicators in the text should be explained, and supported by evidence. The arguments with regard to the different options for a future data protection arrangement need to be presented more clearly.

**(4) Present a more transparent comparison of options.** The report should compare the options on the basis of a clearly presented overview of expected costs and benefits for each of the options, and by assessing their effectiveness and efficiency in achieving the objectives, and their coherence with related Commission policies. The presentation of the scores for comparison of the options should still be more clearly linked to concrete evidence. For all factors for which a quantitative presentation is possible, this should be done in the summary table.

*Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.*

**(D) Procedure and presentation**

In view of the fact that several options are likely to have budgetary impacts that may require additional funding, the report should clearly explain whether or not an ex-ante evaluation will be required. If the report is to serve as an ex-ante evaluation, this should be explicitly stated.

**(E) IAB scrutiny process**

Reference number	2011/HOME/010
External expertise used	No
Date of IAB meeting	Written procedure This opinion concerns a resubmitted draft IA report. The first opinion was issued on 20 July 2012.