



The Hague, February 2020

Joint Parliamentary Scrutiny Group Secretariat

To the attention of the JPSG Co-Chairs

*By email only:*

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## **Europol reply to written questions from the delegation of Germany to the Joint Parliamentary Scrutiny Group (JPSG)**

Dear Ms Mihalic,

Dear Ms Mittag,

In accordance with Article 4.2 of the JPSG Rules of Procedure and Article 51 of the Europol Regulation, Europol would like to respond to the questions raised by the delegation of the French Parliament to the JPSG as follows:

### **1. How is Europol preparing for Brexit?**

Europol has adjusted the arrangements related to the cooperation with UK in accordance with the provisions of the Withdrawal Agreement applicable to the Transition Period. For the time after the Transition Period, Europol will closely monitor the political developments to ensure readiness for the most likely scenarios that may emerge. It will also take into account the parts in the Withdrawal Agreement that provide for a 1-year transition arrangement for the continued use of SIENA by the UK for the finalisation of on-going procedures after the Transition Period has ended.

### **2. What emergency plans does Europol have in the event of a hard Brexit?**

In the event that no or insufficient arrangements have been concluded between the EU and the UK in time for implementation by the end of the Transition Period, the use of SIENA is still provided for in the Withdrawal Agreement. Additional contingency measures will be considered, taking into account the political developments and the guidance received from the Taskforce 50/Brexit Preparedness Group.

### **3. How many British colleagues will be removed?**

For employment at Europol the post holder is required to have the nationality of at least one of the EU Member States. Yet, the contracts of staff with UK nationality will remain unaffected during the Transition Period. That requirement is considered to be met, because the UK is, in this regard, still considered an EU Member State.

The Contracting Authority may take a decision on the possible derogation from the nationality requirement. This decision will be taken on a case-by-case basis in the interest of the service. Among others, the business need and the impact on the organisation, in case of loss of the UK staff member, will be taken into account. At

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this stage, it is not known how many staff members with UK nationality would get a negative decision.

The Appointing Authority envisages informing UK staff about the possible derogations in Q1 2020. This will allow enough time, in case of negative decisions, to find suitable and trained replacements, given that the notice will approximately be between 12 and 18 months.

#### **4. How will this gap be compensated, and by whom?**

Since the business need and organisational impact are taken into account, it is not expected that Europol would suffer a major operational loss due to negative derogation decisions. Yet, for those posts affected, new recruitment procedures will be initiated, provided that the Europol budget and the number of staff are not affected by budget implications resulting from the UK's withdrawal.

Derogation decisions are aimed at being notified in Q1 2020. This means that negatively affected UK staff members will have approximately between 12 and 18 months' notice to prepare themselves. The same notice period will also enable Europol to recruit and train effective replacements.

#### **5. Has Europol asked the remaining Member States for additional SNEs for the transition period, in order to replace the missing colleagues at least in the short term?**

During the transition period, Europol staff with only UK nationality is not yet affected by the UK's withdrawal from the EU, as explained above. A decision on the possible extension of the 2 SNEs that were seconded by the UK until the BREXIT took effect, is currently still pending. If the term is not extended, other solutions will be considered to compensate the gap. Europol cannot ask Member States to send "cost" SNEs as the number set by the authority is 71 and cannot be exceeded. In any case, in line with the answer provided to the previous question, this should not result in a disruption of activities.

I hope that these answers will prove satisfactory: Europol remains available for further clarifications.

Yours sincerely,



Jürgen Ebner  
Deputy Executive Director Governance