

Co-chair to the JPSG (Germany):

Ms Susanne Mittag, Head of the Bundestag Delegation  
and Mr Boris Pistorius, Head of the Bundesrat Delegation

Co-chair of the JPSG (Chair of the European Parliament's  
LIBE Committee):

Mr Juan Fernando López Aguilar

CC:

Mr Oliver Rüb, MB Chairperson

Ms Catherine De Bolle, Executive Director

**Written submission to the Joint Parliamentary Scrutiny Group (JPSG)  
by the Chairperson of the Europol Management Board (MB)**

**Replies to follow-up JPSG questions and comments**

Dear Ms Mittag and Mr Pistorius,

Dear Mr López Aguilar,

On 19 June 2020, I received the questions and comments addressed by the Cypriot and Romanian JPSG delegations as well as by Ms Chinnici, Member of the European Parliament (MEP), as a follow-up to my written submission on the MB activities from September 2019 to June 2020.

I am pleased to provide the following replies to the aforementioned contributions.

**Cypriot JPSG delegation:**

- *Taking into consideration Europol's mandate to combat firearms smuggling and its experience with supporting EU military operations, but also its activity in combating human smuggling and trafficking, will Europol have any participation in operation EU NAVFORMED Irini?*

**Reply:**

As one of its secondary tasks (besides oil smuggling and capacity building and training of the Libyan coastguards and Navy), EUNAVFOR MED IRINI shall support the detection and disruption of human smuggling and trafficking networks through information gathering and patrolling carried out by aerial assets above high seas in the agreed area of operation. In carrying out this task, EUNAVFOR MED IRINI may collect and store, in accordance with applicable law, data on human smuggling and trafficking, including crimes relevant to the security of the operation, which it may transmit to the relevant law enforcement authorities of the Member States and to the competent EU agencies and bodies. Europol will therefore continue with cooperation with EUNAVFOR MED IRINI in the same manner as with EUNAVFOR MED SOPHIA, namely through the Information Clearing House (ICH), which is operating as part of the European Migration Smuggling Centre (EMSC) at Europol, benefiting from the cooperation experience gained with EUNAVFOR MED, next to the longstanding day-to-day cooperation with the European Border and Coast Guard Agency (EBCGA)/Frontex and Interpol.

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- *In view of a significant shortfall in Europol's budget compared to the initial estimate, as well as of unforeseen difficulties that may have arisen, as a result of the pandemic, what are the initial thoughts of the Management Board regarding deprioritization and adaptations to the Programming Document 2020-2022, and specifically the Work Programme 2020, which were adopted?*

### **Reply:**

Following its first adoption at end of November 2019, because of the serious financial and resource shortfall resulting from the finally allocated budget 2020 - a difference of almost €21 M. and of 42 Temporary Agents (TAs) -, the Europol Work Programme 2020 was indeed subject to a thorough assessment of the actions to be (de)prioritised. Given the potential impact of such exercise on the Agency's ability to fulfil its mandate in support to national law enforcement authorities, Europol handled it in close coordination with the Member States. Hence, between January and mid-March 2020, both the Heads of the Europol National Units (HENUs) and the MB Working Groups on Corporate Matters and on Information Management carried out in-depth reflections on the matter. The MB approved the resulting updated version of the Work Programme 2020 by a written procedure ending on 25 March, in replacement of a MB live discussion which had to be cancelled due to the COVID-19 pandemic.

Subsequently, the updated version of the Work Programme 2020 approved by the MB as part of the Europol Programming Document (PD) 2020-2022 was transmitted to the relevant EU institutions, as well as to the JPSG with my letter dated 8 April 2020 (MBS 053.2020).

In this context, the MB acknowledged that, given the reduced level of available resources, it was also necessary to lower the level of ambition of the Work Programme 2020. Nevertheless, this Work Programme would allow Europol to continue supporting the Member States in the fight against serious organised crime in all priority areas and terrorism.

Next to its usual tasks and responsibilities, the Agency continued to plan initiatives of paramount importance for 2020, including the objectives set out in its Strategy 2020+, such as the setting up of the European Financial and Economic Crime Centre (EFECC), the reinforcement of criminal analysis and the strengthening of Europol's IM capabilities including in the context of the EU Interoperability Agenda. A complete list of these 2020 initiatives was included on pages 4-6 of the updated PD 2020-2022.

The possible implications of the COVID-19 pandemic were still largely unknown during the aforementioned consultation on the Work Programme 2020, thus this element was not taken into account by the MB when approving the updated PD 2020-2022.

Since the beginning of the pandemic, the Agency has succeeded in ensuring business continuity by putting in place adequate working arrangements, which have allowed its Staff and the Liaison Bureaux community at Europol to operate safely and efficiently under such exceptional circumstances. Further, Europol rapidly started to monitor the impact of the COVID-19 pandemic on criminals' ability to exploit the new opportunities emerging from vulnerable persons' fear and from increasing funding recovery opportunities at national and EU level. As a result, Europol has been issuing targeted reports on COVID-related crime since the end of March, on a regular basis.

In parallel, the Agency has been pursuing its work around the implementation of the Strategy 2020+ to the extent possible. The official launch of the EFECC on 5 June 2020 is an illustration, amongst other achievements, of the Agency's relentless commitment in support to the Security Union.

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Notwithstanding our Agency's continued engagement throughout this crisis and its gradual return to 'a new normality' under the current de-escalation plan, it is indeed appropriate and advisable to conduct an overall reflection on the impact of the COVID-19 outbreak on Europol's planning, not only as concerns the last months of 2020, but also for following years.

Europol's assessment reports on COVID-related crime developments make clear that organised crime structures in Europe are adapting quickly to the evolving situation. Furthermore, it can be expected that organised crime groups will seek profit from the exceptional financial and investment measures taken at national level, as well as from the significant EU recovery funds envisaged at EU level to stabilise and further develop the Member States.

The security of the EU Member States and of their citizens thus remains an area of vital importance. Therefore, the German Ministry of the Interior has pointed out that security has to be an integral part of the recovery. Consequently, Europol has to be provided with a sustainable and increased budget and appropriate staff levels during the next 2021-2027 financial cycle.

On 24 June 2020, the European Commission published its budget proposal for 2021, suggesting a budget of €172.9 M for Europol, while keeping the Agency human resources at current 2020 levels, namely 615 TAs, 71 Seconded National Experts (SNEs) and 191 Contract Agents (CAs). Although promising, the proposal put forward by the Commission does not fully meet Europol's expectations, as the final draft estimates adopted by the MB for 2021 foresee a budget of €184.9 M, next to an increase by 63 TAs and 22 SNEs compared to 2020, and a conditional decrease in the number of CAs reaching a stable level of 195 CAs.

Against this background, the MB is thus likely to hold a targeted debate on the matter in the near future, starting from, if need be, a revision of the current draft PD 2021-2023 and of the resulting budgetary and resource-related requirements, in light of the forthcoming budgetary conciliation procedure for 2021 and the outcome of the negotiations pertaining to the Multiannual Financial Framework (MFF) 2021-2027.

- *In 2019, Cyprus requested Europol's support to control the increasing irregular migrant flows into the country, which has proved to be very important in efforts to identify persons with a terrorist background. We wish, however, to reiterate, once again, that the overwhelming majority of irregular migrants arrive in Cyprus from Turkey by sea or through the areas of the Republic of Cyprus under Turkish military occupation and are victims of smuggling networks. In view of the Commission's new proposals regarding asylum and migration policy, what further role could Europol assume, in cooperation with FRONTEX or national law enforcement authorities, to disrupt migrant smuggling networks?*

### **Reply:**

Europol will continue supporting Cyprus through the deployment of Guest Officers. At the time of the drafting, five Europol Guest Officers were stationed in Cyprus. In addition, the Joint Liaison Task Force (JLT) on Migrant Smuggling and Trafficking in Human Beings will remain an important tool to respond to the growing proliferation and sophistication of transnational criminal activities by strengthening coordinated operations on the spot. Through liaison officers at the JLT, Member States are able to drive and stimulate intelligence-led coordinated action against organised crime groups active in migrant smuggling and human trafficking. Further, with a view to facilitating cooperation with relevant Cyprus authorities, a seconded national expert has been deployed to Joint Operational Team Mare. Such Team is made of specialists seconded from seven Member States with a view to exchanging vital information in real time to disrupt smuggling networks operating from Turkey. Cooperation with Turkey in the area of migrants smuggling remains limited in the absence of an international agreement, which would allow for the exchange of personal data between relevant Turkish authorities and Europol.

**Romanian JPSG delegation:**

- [...] With regard to the Europol Programming Document 2020-2022, we acknowledge its comprehensive nature. As the effects of the evolving COVID-19 pandemic has not been taken into account at the time of its final approval, i.e. 25 March 2020, we suggest that an update of this document, comprising potential administrative adjustments concerning the agency, be highly relevant. [...].

**Reply:**

Europol takes positive note of the appreciation expressed by the Romanian JPSG delegation concerning its reports on the impact of the COVID pandemic on crime as well as the 2019 annual report issued by the Europol's EMSC.

Further, we highly appreciate the willingness of the Romanian JPSG delegation, which paid a visit to Europol in 2019, to develop a solid partnership, also with a view to the upcoming legislative proposal on the strengthening of Europol's mandate.

With regard to the aforementioned specific comment on the Europol Programming Document 2020-2022 and the impact of the COVID pandemic, I would like to refer to my reply to the question raised by the Cypriot delegation on the relevant matter.

In particular, it would indeed be highly relevant for Europol to conduct an overall reflection on the impact of the COVID-19 pandemic on its planning, not only as concerns the last months of 2020, but also for following years.

Possible related MB discussions, to which the comments of both the Cypriot and the Romanian JPSG delegations will have given impulse, might result in further adjustments to Europol's planning documents.

**MEP Ms Caterina Chinnici:**

- In the September 2019-June 2020 Report on the Activities of the Europol Management Board, the achievement of a [working] agreement with OLAF in the fields of combating fraud, corruption and money laundering is announced. From the data provided by the Europol Agency itself (most recent Europol Report "Beyond the pandemic - How Covid19 will shape the serious and organized crime landscape in EU"), we know that criminal organizations will try to exploit the economic crisis due to the Covid-19 pandemic. One of the biggest risks has been identified in the laundering of money from illegal activities. For this reason, I would like to ask if the working agreement between Europol and OLAF provides for particular attention towards the crime of money laundering.

**Reply:**

The Working Arrangement between Europol and OLAF was approved by the MB in a written procedure ending 22 April 2020. The Board thereby empowered the Executive Director to sign the Arrangement on behalf of Europol, and the signature of this Arrangement will take place soon.

The purpose of this Working Arrangement is to establish cooperative relations between OLAF and Europol within the limits of their respective legal frameworks and mandates. The cooperation relates to areas of common interest, such as fraud, corruption, money laundering, intellectual property crime, or any illegal activity affecting the financial interests of the EU. Money laundering is specifically mentioned as an area covered by this Arrangement, concretely in Article 3 thereof.

In addition, as noted, Europol officially launched the EFEC. This is a dedicated operational structure within the Operations Directorate of Europol to support the cooperation among law enforcement authorities in their fight against fraud, money laundering, corruption and counterfeiting, while systematically promoting the recovery of criminal assets across the EU and beyond. Europol will work with OLAF

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and all other relevant actors in this particular field of crime. The possibility of deploying an OLAF Liaison Officer to Europol's EFEC is currently being discussed.

To conclude, I would like to thank the JPSG members for their valuable questions and comments, which positively contribute to the further strengthening of the dialogue between Europol and the JPSG.

I have the pleasure to copy in this letter the new MB Chairperson, Mr Oliver Rüb.

As noted in the letter that the Secretary of the Europol MB sent to you on 6 July 2020 (MBS 090.2020), Mr Rüb will chair the Board throughout the current 18-month period, from 1 July 2020 to 31 December 2021, and will thus be responsible for the coordination of all MB activities, including with regard to the relations with the JPSG.

Yours Sincerely,



Andrei Linta

Chairperson

(10 April 2019 – 30 June 2020)

