



EUROPEAN DATA PROTECTION SUPERVISOR

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Subject: EDPS comments on the draft Working and Administrative Arrangement between Europol and the United Kingdom

Dear ██████████,

Thank you for sharing the draft working and administrative arrangement (WAA) that Europol has negotiated with the United Kingdom for implementing the Europol-specific provisions of the Trade and Cooperation Agreement (TCA) concluded between the Union and the UK.

The EDPS has assessed the draft arrangement in light of the relevant provisions of the TCA and the Europol Regulation. I take note that the draft text is based to a large extent on the Model Working Agreement that was approved by the Management Board and the EDPS in 2019, while accommodating the specificities of Europol's cooperation with the UK laid down in the TCA. Taking this into account, and considering the timeline of the negotiations and the EDPS' consultation, I would like make the following comments on the implementation of the WAA:

In the cover note accompanying the draft WAA, Europol notes that the WAA constitutes a condensed draft arrangement that provides for the essence of the cooperation with a strong

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interlinkage with the TCA. I note that, while such working arrangements usually aim to further specify legislation, in this case some provisions are less detailed than in the TCA or are not included to avoid repetition. The complexity of the applicable legal framework in this case which necessitates a careful cross-reading of the WAA, the TCA and the ER, makes a close monitoring of the data protection aspects of its practical implementation particularly important. Europol's oversight of the WAA's implementation should also monitor and flag any potential need for modification, including in light of the forthcoming recast of the Europol Regulation (which may have consequences for the WAA's data protection provisions, e.g. Article 6(5) on the means for UK nationals to exercise their right of access to data).

I take note that the WAA will be accompanied by flanking arrangements concerning liaison officers, the operations of the secure line, the code of connection and the exchange of confidential information. I would like to take this opportunity to draw attention to the additional accompanying measure, required by Article 578 of the TCA, under which the UK and Europol should make publicly available a document setting out in an intelligible form the provisions regarding the processing of personal data transferred to the UK, including the means available for the exercise of the right of data subjects. In light of the considerations above, the EDPS considers this an important requirement and intends to follow its implementation closely.

We remain at your disposal should you need any further information.

Yours sincerely,

[e-signed]

Wojciech Rafał WIEWIÓROWSKI

cc: Ms Catherine DE BOLLE (Executive Director) and Mr Daniel DREWER (Data Protection Officer)