

From: [REDACTED]
To: SUPERVISION <supervision@edps.europa.eu>; ZERDICK Thomas <thomas.zerdick@edps.europa.eu>; [REDACTED]
CC: CABINET <cabinet@edps.europa.eu>; [REDACTED] EDPS-
Sent at: 15/09/22 09:47:47
Subject: Fwd: @EXT: RE: Meeting in EDPS - Montoyer 30

Hey guys,

I leave it to you to acknowledge the receipt and open the case file etc. Please take Wojciech off the email thread from now on.

Good luck!

Begin forwarded message:

From: [REDACTED]
Date: 15 September 2022 at 09:01:47 CEST
To: [REDACTED],
EDPS-CABINET <cabinet@edps.europa.eu>
Cc: "De Bolle, Catherine" <Catherine.De-Bolle@europol.europa.eu>, "PARIAT Monique (EC)" <Monique.Pariat@ec.europa.eu>, ZERDICK Thomas <thomas.zerdick@edps.europa.eu>, [REDACTED]
[REDACTED] MB Secretariat
<mbs@europol.europa.eu>, DPF Data Protection Function
<DPF@europol.europa.eu>
Subject: @EXT: RE: Meeting in EDPS - Montoyer 30

Dear [REDACTED]

Thank you for your email of yesterday.

Following the transmission of the respective letters from the Chairperson of the Management Board (MB) to the Institutions earlier this morning (with the EDPS in copy), please find enclosed four new draft MB Decisions related to the processing of personal data on the basis of Articles 18(2), 18(6), 18(6a) and 18a of the amended Europol Regulation.

On behalf of the MB Chairperson, Mr Jérôme Bonet, I hereby launch the

consultation on the referred drafts with the EDPS, Mr Wojciech Wiewiórowski.

I thank you for the cooperation over the past days and look forward to receiving the Supervisor's Opinion at your earliest convenience.

Regards,

[REDACTED]

From: [REDACTED]
Sent: 14 September 2022 15:34
To: [REDACTED]
Cc: De Bolle, Catherine <Catherine.De Bolle@europol.europa.eu>; PARIAT Monique (EC) <Monique.Pariat@ec.europa.eu>; ZERDICK Thomas <thomas.zerdick@edps.europa.eu>; [REDACTED]
[REDACTED] MB Secretariat <mbs@europol.europa.eu>; DPF Data Protection Function <DPF@europol.europa.eu>; EDPS CABINET <cabinet@edps.europa.eu>; WIEWIOROWSKI Wojciech <wojciech.wiewiorowski@edps.europa.eu>
Subject: RE: @EXT: RE: Meeting in EDPS Montoyer 30

Dear [REDACTED]

Thank you for your e mail. Let me say on behalf of the Supervisor that while we maintain our position, in particular vis a vis several statements in the letter, we could consider the matter closed (i.e. avoiding the recourse to CJEU) if all requested documents are sent to the EDPS (formal consultation of draft decisions) and to respective institutions (letters) **by tomorrow 2 pm.**

Best,

[REDACTED]

From: [REDACTED]
Sent: 13 September 2022 16:38
To: [REDACTED]
Cc: De Bolle, Catherine <Catherine.De Bolle@europol.europa.eu>; PARIAT Monique (EC) <Monique.Pariat@ec.europa.eu>; ZERDICK Thomas <thomas.zerdick@edps.europa.eu>; [REDACTED]
[REDACTED] MB Secretariat <mbs@europol.europa.eu>; DPF Data Protection Function <DPF@europol.europa.eu>; EDPS CABINET <cabinet@edps.europa.eu>; WIEWIOROWSKI Wojciech <wojciech.wiewiorowski@edps.europa.eu>
Subject: @EXT: RE: Meeting in EDPS Montoyer 30
Importance: High

Dear [REDACTED]

Thank you for transmitting the Supervisor's email message dated 9 September, which was conveyed to the MB Chairperson.

The Chairperson was pleased to note that the submission of the four new draft MB Decisions, as agreed by the Board through a dedicated written procedure held over an extraordinary short period of time to meet the latest expectations of the Supervisor, was indeed welcome. Notwithstanding the Board's position that the procedure conducive to the adoption of its four Decisions on 28 June 2022 was lawful, it decided to take this important step in the spirit of finding a compromise that allows Europol to continue deepening what can only be a loyal and transparent cooperation with the EDPS.

Through the meeting held in Brussels on 2 September at the Chairperson's initiative and the ensuing email exchanges with the Supervisor, they have laid the foundation for achieving such compromise. The Chairperson sincerely trusts that the EDPS will appreciate the efforts made to fulfil his requests, from the very submission of a letter to the Institutions informing them about the agreement reached, to the elements that should feature in such letter.

After carefully considering the referred minor modifications requested by the Supervisor, the Chairperson is of the view that some of them would risk misrepresenting the Board's purpose when, on 12 April 2022 and precisely in the light of the provisions of the amending Regulation, the Chairperson submitted the four draft MB Decisions to the Supervisor with a view to initiating the necessary consultation.

The Chairperson does of course not contest the fact that the Supervisor had (and maintains) an altogether different view with regard to the feasibility of conducting such consultation before the amended Europol Regulation would have entered into force. This is what the EDPS and Europol are both trying to overcome in a spirit of compromise and good cooperation.

With a view to meeting the Supervisor's final concerns while avoiding any misrepresentation of the stance of either the EDPS or the MB, the Chairperson would be prepared to include a quotation from the "EDPS Informal comments" submitted to Europol on 16 May 2022 where his standpoint was clearly formulated. Please find the letter enclosed, with track changes.

With this, the Chairperson is convinced that his letter to the Institutions provides a fair, clear and objective account of the respective positions of the EDPS and the MB, and trusts that the Supervisor will recognise that, with all the steps mutually agreed having been now undertaken, the course of action stemming from the meeting on 2 September and the ensuing email exchange may be implemented further.

Upon your confirmation that the EDPS shares this understanding, the Chairperson will thus send these letters to their respective recipients and initiate the consultation on the new draft Decisions.

On behalf of the Board, the Chairperson looks forward to pursuing the close cooperation established between the MB and the EDPS until the final step of this procedure, namely the adoption by the MB of the revised Decisions after having duly considered the upcoming EDPS Opinion.

Regards,

[REDACTED]

From: [REDACTED]
Sent: 09 September 2022 20:39
To: [REDACTED]
Cc: De Bolle, Catherine <Catherine.DeBolle@europol.europa.eu>; PARIAT Monique (EC) <Monique.Pariat@ec.europa.eu>; ZERDICK Thomas <thomas.zerdick@edps.europa.eu>; [REDACTED]
[REDACTED] MB Secretariat <mbs@europol.europa.eu>; DPF Data Protection Function <DPF@europol.europa.eu>; EDPS CABINET <cabinet@edps.europa.eu>; WIEWIOROWSKI Wojciech <wojciech.wiewiorowski@edps.europa.eu>
Subject: Re: @EXT: RE: Meeting in EDPS Montoyer 30

Dear [REDACTED]

Thank you for sharing the proposals from MB and for the effort to do it timely.

We welcome the submission of the 4 draft decisions and we take note of the draft letters provided. On the latter, we are ready to confirm they meet the expectations discussed at the meeting providing they include the following minor modifications that will ensure a factual tone and will not further enhance disagreements on the events of past months:

"the MB made every efforts"

~~"In the light of the obligations set out in the amending Regulation, the MB initiated necessary consultation with the European Data Protection Supervisor (EDPS) staff at the earliest possible stage".~~ (It is our understanding neither party here contests the fact that whatever happened between 28 June was not a result of the obligations set out in the amending Regulation, as those only applied as of 28 June).

~~"Since the submission (...) between Europol and the EDPS staff, resulting (...) 28 June, which reflected the comments and guidance provided by the EDPS during such process".~~

"...guidance expressed by the EDPS **staff**".

We trust that with these necessary amendments the matter can be concluded without a recourse to the Court of Justice.

Thank you for your cooperation,

[REDACTED]

On 9 Sep 2022, at 17:55, [REDACTED]

[REDACTED] wrote:

Dear [REDACTED]

Thank you for transmitting the message from the Supervisor, which was duly conveyed to the MB Chairperson.

I am pleased to inform you that, in view of that very message and through an exceptionally brief written procedure completed this afternoon, the Chairperson has obtained the agreement of the MB to initiate a consultation with the EDPS today on the attached new draft MB Decisions.

1. #1252123 - New draft MB Decision on Article 18(6);
1. #1252125 - New draft MB Decision on Article 18(6a);
1. #1252126 - New draft MB Decision on Article 18a;
1. #1252127 - New draft MB Decision on Article 18(2).

Please find also enclosed the letters that the MB Chairperson will send to the Institutions prior to launching the consultation with the EDPS. As you will appreciate, they do contain the elements requested by the Supervisor.

1. Letter to the European Parliament
1. Letter to the Council
1. Letter to the Commission

With this, I trust that the course of action stemming from the meeting held in the EDPS premises on 2 September and the ensuing email exchange between Mr Wiewiórowski and Mr Bonet is now fulfilled, and look forward to your confirmation that the EDPS has the same understanding.

As soon as such confirmation will be received: 1) the enclosed letters will be submitted to the Institutions; and 2) the EDPS will be formally consulted on the attached new draft MB Decisions.

I realise that this email comes close to 18h., i.e., the deadline initially given by the Supervisor to demonstrate that the two steps I just mentioned had been taken. This has to do with the need to obtain the MB agreement on the course of action suggested by the Chairperson upon receipt of the EDPS latest email. The Board has adopted its decision as swiftly as it has been possible and of course relies on the EDPS understanding in this context.

Regards,

[REDACTED]

[REDACTED]

P.O. Box 90850
2509 LW The Hague,
The Netherlands
Phone: [REDACTED]

dpo@europol.europa.eu

From: [REDACTED]
Sent: 07 September 2022 17:26
To: [REDACTED]
Cc: De Bolle, Catherine <Catherine.De.Bolle@europol.europa.eu>;
PARIAT Monique (EC) <Monique.Pariat@ec.europa.eu>; ZERDICK
Thomas <thomas.zerdick@edps.europa.eu>; [REDACTED]
[REDACTED] MB Secretariat
<mbs@europol.europa.eu>; DPF Data Protection Function
<DPF@europol.europa.eu>; EDPS CABINET
<cabinet@edps.europa.eu>; WIEWIOROWSKI Wojciech
<wojciech.wiewiorowski@edps.europa.eu>
Subject: RE: @EXT: RE: Meeting in EDPS Montoyer 30

Dear [REDACTED]

Please find below a message from Wojciech Wiewiórowski, the European Data Protection Supervisor, to Mr Jérôme Bonet, Chairperson of the Europol Management Board.

Best,
[REDACTED]

[REDACTED]
Member of the Cabinet of the Supervisor
[REDACTED]

[REDACTED]
European Data Protection Supervisor
Postal address: Rue Wiertz 60, B-1047 Brussels
Office address: Rue Montoyer 30, B-1000 Brussels

www.edps.europa.eu

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Dear Mr Bonet,

Thank you for your reply and for your interest in solving the disagreement between the EDPS and Europol in respect of procedural infringements. I appreciate and fully understand the nature of the functioning of the MB and I would like to express my trust in its ability to adopt decisions swiftly, as it has been the case in the past.

I take note of your message and proposed way forward. From our side, in terms of substance, the summary I sent last Friday of the steps that need to be taken in order to overcome our disagreement over the current issue and to properly inform in an agreed way the institutions to which the EDPS referred the matter remain valid from our side. Otherwise, I would feel obliged to ask the views of the Court of Justice.

As for the proposed timeline, I can only repeat that EDPS acts under specific legal constraints (i.e. legal deadlines for the Court application), which we cannot modify. We therefore trust that all the steps we asked you to take will be delivered i.e. allowing the EDPS to make a decision accordingly.

I also take note that on the 26 August 2022 you have expressed your views on the current situation directly with the European Parliament.

Kind regards,
Wojciech Wiewiórowski

From: [REDACTED]
Sent: 07 September 2022 09:58
To: WIEWIOROWSKI Wojciech
<wojciech.wiewiorowski@edps.europa.eu>; EDPS CABINET
<cabinet@edps.europa.eu>
Cc: De Bolle, Catherine <Catherine.DeBolle@europol.europa.eu>; PARIAT Monique (EC)
<Monique.Pariat@ec.europa.eu>; ZERDICK Thomas
<thomas.zerdick@edps.europa.eu>; [REDACTED]
[REDACTED]
[REDACTED] MB Secretariat
<mbs@europol.europa.eu>; DPF Data Protection Function
<DPF@europol.europa.eu>

Subject: @EXT: RE: Meeting in EDPS Montoyer 30

Dear Mr Wiewiórowski,

Please find enclosed a reply message from Mr Jérôme Bonet, Chairperson of the Europol Management Board.

Regards,

[REDACTED]

dpo@europol.europa.eu

Dear European Data Protection Supervisor,

Let me please thank you for your email of Friday evening and, again, for your willingness to host the Europol delegation in your office in Brussels with a view to finding a solution to the current situation.

I wish to begin this reply by sharing with you a few observations on your recap of our meeting on Friday.

We do acknowledge that the EDPS considers that the Management Board (MB) did not observe the correct procedure, while we consider having respected the consultation process. Whereas we do hold different views concerning the correctness of the procedure conducive to the adoption of the MB Decisions of 28 June 2022, I was pleased to witness at our meeting last Friday –as I was then to read it in your subsequent message- that you are also driven by a spirit of compromise and good cooperation. This is, indeed, what may help us reach mutual understanding to avert litigation based on procedural grounds.

Thus, I sincerely appreciate your endeavour to summarise the elements that we could address together with a view to finding a positive outcome.

It is my duty to take due account of the functioning of the MB as a collegial body comprising representatives of 27 Member States and of the European Commission, which requires the involvement of the entire Board in the decision-making process, particularly on most important matters.

From this perspective, and given also the specific position taken by the MB on the matter at hand, let me please come back with a slightly amended proposal that constitutes the only feasible way forward, I am afraid, given the nature and decision-making process within the MB:

1. In a fast-track written procedure starting as soon as you will confirm, as I hope, that you can agree with this proposal, I will update the MB on the content of our discussions on 2 September 2022 and will invite it to agree to the submission to you of four

Draft revised MB Decisions.

2. Such draft revised Decisions will contain **amended recitals** to reflect the procedure followed. These drafts, to be submitted to you for the sake of consultation and then used as templates for the new MB Decisions upon receipt of your Opinion, will be first provided to you this week.
3. Forthwith upon the agreement of the MB on the way forward and on its behalf, I will **initiate the consultation** on the four draft revised MB Decisions with you.
4. As soon as possible after your **Opinion** will be received –and I appreciate your commitment to provide it swiftly upon the initiation of the relevant consultation–, **new MB Decisions** will be adopted and communicated to you. As also indicated in your message, those new MB Decisions shall **replace the old ones** as from the date of their adoption.

Whereas from the entry into force of the amended Europol Regulation my intention was to address the three Institutions to express the Board's gratitude for the opportunity granted to Europol to support Member States' competent authorities more effectively in countering international organised crime and terrorism, I decided to withhold this communication precisely in view of our disagreement on procedural aspects.

Trusting that we will agree on the above course of action, and of course provided that it will be endorsed by the MB, I shall be pleased to address the Institutions before launching the consultation with you on the same date (next Tuesday, 13 September, if you would express your agreement to this proposal by tomorrow morning). I would then be able to inform the Institutions that the EDPS will be consulted on draft revised MB Decisions and that new Decisions referring to the Opinion delivered by the EDPS will replace the current ones as from the date of their adoption. I will also take pleasure in stressing the importance for the MB to continue pursuing a close cooperation with the EDPS, and will thank you for your commitment to deliver your Opinion within the shortest possible timeframe.

While I do realise that the above course of action does not exactly mirror the one contained in your message, I am confident that you will appreciate that the difference, minimal, results from the nature of the Board as a collective decision-making body.

Looking forward to your feedback, I wish to thank the Executive Director and the MB Member for the Commission for their support to the proposal contained in this email, and, once again, to reiterate the Board's willingness to continue engaging in a trustful and successful cooperation with you.

Sincerely,
Jérôme Bonet

From: WIEWIOROWSKI Wojciech
<wojciech.wiewiorowski@edps.europa.eu>
Sent: 02 September 2022 23:38
To: MB Secretariat <mbs@europol.europa.eu>; De Bolle, Catherine <Catherine.De Bolle@europol.europa.eu>

Cc: PARIAT Monique (EC) <Monique.Pariat@ec.europa.eu>; DPF
Data Protection Function <DPF@europol.europa.eu>; [REDACTED]

[REDACTED] EDPS CABINET
<cabinet@edps.europa.eu>; [REDACTED]

Subject: Meeting in EDPS – Montoyer 30

Dear Executive Director, Chairman of the Management Board,

Allow me to recap how we concluded the meeting that we just held at the EDPS premises.

I am convinced that the correct procedure for adoption of the four Management Board ('MB') decisions of 28 June 2022 has not been followed. I have not been consulted as required by the provisions of the amended Europol regulation which constitute the legal basis of these MB decisions. I duly take note of the difficulties that you explained you have encountered due to the way the amending Europol regulation is drafted. I also acknowledge the informal cooperation having taken place on these matter of the text of the MB decisions. These difficulties cannot however justify inaction in my role as Supervisory authority in face of a violation of the prerogatives of the function that I fulfil.

I have to take note that to date, no written answer has been provided to my letter of 15 July, in spite of the expiry of the deadline foreseen therein. Nevertheless, in a spirit of compromise and good cooperation, we discussed a possible way out which would allow me not to be obliged to defend in Court my function.

Allow me then to summarise the conditions for a last attempt at avoiding litigation. I hope that you will be able to accept them.

1) Europol should send a **letter** the European Parliament, the Council, the Commission and the EDPS (this latter in cc), i.e. the Institutions to which the EDPS referred the matter as per Article 43(3)(g) of the regulation, in order to inform them of the settlement reached on the matter.

The letter should contain:

- a) a commitment to consult the EDPS on new draft MB decisions that shall replace the old ones as from the date of adoption of such new decisions, and that shall refer to the formal opinion as delivered by the EDPS (with indication in the recitals of the date of delivery of the opinion, as per normal practice);
- b) a confirmation of the importance of closely cooperating both formally and informally with the EDPS;

c) an indication that the EDPS on his part has committed to deliver an Opinion in the shortest possible timeframe.

2) Together with the draft letter I would need to receive the text of the new draft management board decisions for my formal consultation.

3) At this stage, and for the avoidance of all misunderstanding, I would ask to be able to revise the draft of such a letter and of the draft decisions.

4) Given the deadlines for lodging an action for annulment under the Treaty, we need to ask you to demonstrate:

a) having sent the letter(s) to EP, Council and Commission with an agreed text **by 9 September 2022 18:00**, and

b) having formally consulted me on the new draft MB decisions by the same deadline of **9 September 2022 18:00**.

I will react swiftly to the draft letters that you will send me for prior review as per points 1) and 2) above (within maximum one full business day following the day of receipt).

I hope that we can proceed as described , which it appeared to me something that you did not reject during the meeting just concluded.

Yours,

Wojciech Wiewiórowski

Wojciech WIEWIOROWSKI
European Data Protection Supervisor
' (+32) 228 31901 | > MTS 06X046

wojciech.wiewiorowski@edps.europa.eu
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Management Board

EDOC #1252123v2

(draft) Management Board Decision on the conditions related to the processing of data on the basis of Article 18(6) of the Europol Regulation

THE MANAGEMENT BOARD OF EUROPOL,

Having regard to Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation, and Regulation 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol), hereafter "the Regulation", and in particular, Article 18(6) and Article 18(6b) thereof;

Having regard to Regulation 2018/1725, and in particular Article 71 and Article 73 thereof;

Considering that this Decision takes into account and incorporates the safeguards and data protection guarantees provided for in Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation;

Whereas the Management Board, acting on a proposal from the Executive Director and after consulting the European Data Protection Supervisor ("EDPS"), shall specify the conditions relating to the provision and processing of personal data;

Whereas the EDPS delivered an opinion on *[date]*,

HAS DECIDED AS FOLLOWS:

**Article 1
Scope**

This Decision shall apply to the processing of personal data received or retrieved by Europol under Articles 17(1) and 17(2) of the Regulation for the purpose of determining whether such data are relevant to Europol's tasks. This processing shall occur, if necessary, prior to the processing pursuant to Article 18(6a) or Article 18(2) of the Regulation.

**Article 2
Provision of data**

When providing personal data to Europol, Member States, Union bodies, third countries and international organisations, may determine that the personal data are provided for the purpose of Article 18(6) of the Regulation. Where a provider has not indicated this specifically, Europol, if required, can process the provided data for the purpose of determining whether such data are relevant to Europol's tasks, prior to the processing pursuant to 18(6a) or Article 18(2) of the Regulation.

**Article 3
Access to data for Europol staff**

Only trained and duly authorised Europol staff members shall have access to the personal data processed by Europol pursuant to Article 18(6) of the Regulation and this Decision. The Executive Director shall identify specifically which staff members will have access to such personal data by means of a specific authorisation process. These staff members shall only have access to the data for which they have a need to know for the performance of their duties and without prejudice to the security requirements in accordance with Article 67 of the Regulation.

**Article 4
Use of the data**

1. Personal data processed by Europol under this Decision shall only be used for the sole purposes of determining whether such data are relevant for Europol's tasks, and if so, for which of the purposes referred to in Article 18(2) of the Regulation in consultation with the provider of the data if necessary.
2. Europol shall determine whether the personal data are relevant for Europol's tasks on the basis of Europol's objective defined in Article 3 of the Regulation.
3. Where Europol determines that the personal data are relevant to its tasks and can be processed pursuant to Article 18(6a) or Article 18(2) of the Regulation, Europol shall inform the provider of the data about the allocation of the identified purpose(s) if needed and without prejudice to the determination of the purpose in accordance with Article 19(1) of the Regulation.

**Article 5
Time limit for the processing**

Europol Unclassified - Basic Protection Level

1. A decision on the use of personal data in accordance with Article 4(3) shall be taken as soon as possible and in any case no later than six months from the receipt of those data by Europol.
2. In the absence of a decision mentioned in paragraph 1, upon expiry of the six-month period, Europol shall delete such personal data.
3. In the cases mentioned in paragraph 2, Europol shall notify the provider of the data prior to the deletion.

Article 6 Technical guidelines

The technical procedures for the provision and notification of the personal data processed under this Decision shall be laid down in technical guidelines to be developed by the HENUs.

Article 7 Review

The Management Board may review and adjust this Decision when deemed appropriate.

Article 8 Entry into force

This Decision shall enter into force on the day of its adoption and shall replace the Decision of 28 June 2022.

Done at *[place]* on *[date]*

For Europol,

Chairperson of the Management Board

(draft) Management Board Decision on the conditions related to the processing of personal data on the basis of Article 18a of the Europol Regulation

THE MANAGEMENT BOARD OF EUROPOL,

Having regard to Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation, and Regulation 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol), as amended, hereafter referred to as "the Regulation", and in particular Articles 2(q) and 18a thereof;

Having regard to Regulation 2018/1725, and in particular Article 71 and Article 73 thereof;

Considering that this Decision takes into account and incorporates the safeguards and data protection guarantees provided for in Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation;

Whereas the Management Board, acting on a proposal from the Executive Director and after consulting the European Data Protection Supervisor ("EDPS"), shall specify the conditions relating to the provision and processing of personal data;

Whereas the EDPS delivered an opinion on *[date]*,

HAS DECIDED AS FOLLOWS:

**Article 1
Scope**

This Decision shall apply to the processing of personal data provided, pursuant to points (a) or (b) of Article 17(1) of the Regulation, by Member States, the European Public Prosecutor's Office ("EPPO"), Eurojust or third countries in support of an ongoing specific criminal investigation in accordance with Article 18a of the Regulation for which the categories of data subjects are not yet identified in accordance with Annex II of the Regulation.

**Article 2
Personal data provided by the Member States, the EPPO, Eurojust and third countries**

1. When providing investigative data to Europol in accordance with Article 18a of the Regulation, Member States, the EPPO, Eurojust and third countries shall indicate whether the data contains personal data for which the categories of data subjects are not yet identified in accordance with Annex II of the Regulation. They shall also indicate that the investigative data are provided in the context of an ongoing specific criminal investigation in one or more Member States for which investigative activities are currently being carried out by the national competent authorities in one or more of these Member States or by EPPO. In this context, Europol will request the data providers to confirm at regular intervals that the investigation is still ongoing, at the same time as the confirmation referred to in Article 7(1).
2. Upon receipt of the investigative data, Europol shall verify, on the basis of this indication and the information provided, whether the categories of the data subjects listed in Annex II of the Regulation for the personal data provided are identified or not. The provider shall be informed of the outcome of the verification.
3. Personal data for which the categories of data subjects listed in Annex II of the Regulation are not yet identified, following the verification mentioned in paragraph 2, shall be processed in accordance with Article 18a of the Regulation and with this Decision. They shall be kept functionally separate from other data by being labelled as "DSC not completed". These data shall only be accessible in accordance with Article 5 and the labelling shall be clearly visible to those having access to the data.
4. In case Europol considers, following the verification mentioned in paragraph 2, that for personal data the categories of data subjects listed in Annex II of the Regulation are identified, these data shall be processed in accordance with paragraphs 2 to 5 of Article 18 of the Regulation in line with the determined specific purpose(s).
5. Where the provider of the data has identified the category of data subject in accordance with the categories listed in Annex II of the Regulation of personal data previously provided to Europol, it may inform Europol thereof where appropriate.

**Article 3
Additional requirements for processing personal data in accordance with Article 18a of the Regulation**

1. The data providers shall indicate whether they request Europol to provide support by way of operational analysis or exceptionally by way of cross-checking, as referred to in Article 18a(1), for which in the latter case, the data provider shall indicate the exceptional operational or urgent circumstances justifying this request.

Europol Unclassified - Basic Protection Level

2. Europol shall also assess whether it is not possible to support the specific criminal investigation as requested by the data provider, without processing personal data for which the categories of data subjects are not yet identified in accordance with Annex II of the Regulation. In case Europol assesses that this is not possible, it shall record the results of the assessment. Europol shall send the results of this assessment to the EDPS for information when Europol ceases to support the related specific criminal investigation in accordance with Article 7. Such assessment shall take into account the specific circumstances for processing required for the support of the specific criminal investigation(s) concerned.
3. Europol shall report at regular intervals to the EDPS the total number of contributions under Article 2 and 3 per data provider, including for data provided by third countries in accordance with Article 4, the number of verifications in accordance with Article 2(2), the progress in identifying the categories of data subjects as listed in Annex II of the Regulation and the number of contributions deleted.
4. All verifications and assessments referred to in Article 2 and this Article shall be logged following the standard logging, auditing and control mechanisms in accordance with Article 40(1) of the Regulation.

Article 4 Personal data provided by third countries

1. Where a third country as referred to in Article 25(1) of the Regulation provides investigative data to Europol in accordance with Article 18a of the Regulation, it shall also indicate, in addition to fulfilling the requirements of paragraph 1 of Article 2, that it obtained the data in the context of a criminal investigation in accordance with procedural requirements and safeguards applicable under its national criminal law. Third countries will indicate this in accordance with the applicable provisions in this regard contained in the agreements referred to in Article 25(1) of the Regulation.
2. Europol shall verify that the amount of personal data provided by the third country is not manifestly disproportionate in relation to the specific criminal investigation that Europol supports in the Member State concerned. Where Europol concludes that there is an indication that such data are manifestly disproportionate or were collected in obvious violation of fundamental rights, Europol shall not process the data and shall delete them. Europol shall assess that in accordance with the applicable provisions in this regard contained in the agreements referred to in Article 25(1) of the Regulation and shall take into account the specific circumstances for processing required for the support of the specific criminal investigation(s) concerned. Europol shall consult the DPO enabling him or her to notify the EDPS, where appropriate.

Article 5 Access to data by Europol staff

1. Only trained and duly authorised Europol staff members shall have access to the investigative data for which the categories of the data subjects are not yet identified and which are processed by Europol pursuant to Article 18a of the Regulation and this Decision and only for the purpose of such processing. The Executive Director shall identify specifically which staff members will have access to such personal data by means of a specific authorisation process. These staff members shall only have access to the data which they need to know in the context of this Decision for the

Europol Unclassified - Basic Protection Level

performance of their duties and without prejudice to the security requirements in accordance with Article 67 of the Regulation.

2. Personal data processed pursuant to paragraph 6 of Article 18a of the Regulation and Article 4 of this Decision shall be accessed by Europol only where necessary for the support of the specific criminal investigation in one or more Member States for which they were provided. Europol shall implement appropriate technical and organisational measures in order to ensure and verify that at regular intervals.

Article 6 Use of the data

1. Europol may process investigative data received under Article 18a of the Regulation in accordance with Article 18(2) of the Regulation for as long as it supports the ongoing specific criminal investigation for which they were provided and only for the purpose of supporting that investigation.
2. Personal data for which the categories of data subjects are not yet identified in accordance with Annex II of the Regulation may not be transmitted or transferred to Member States, Union bodies, third countries, international organisations or private parties, except for sharing within the Union when strictly necessary for the support of the specific investigation in one or more Member States for which these data were provided.
3. Personal data for which the categories of data subjects have been identified in accordance with Annex II of the Regulation as a result of processing in accordance with this Article shall be further processed in accordance with paragraphs 2 to 5 of Article 18 of the Regulation in line with the determined specific purpose(s).
4. Personal data for which the categories of data subjects are not yet identified in accordance with Annex II of the Regulation may not be processed for the purpose of strategic and thematic analysis.
5. Personal data may not be transferred to private persons without prejudice to Articles 36 and 37 of the Regulation.

Article 7 Time limits for the processing

1. Europol may process investigative data for as long as it supports the ongoing specific criminal investigation for which the investigative data were provided. Europol's support of the investigation shall end upon receipt of the notification of the provider in accordance with Article 18a(2) of the Regulation, according to which the provider shall inform Europol where it is no longer authorised to process that data in the specific ongoing criminal investigation in accordance with procedural requirements and safeguards under the applicable law. In this context, Europol shall request the data providers to confirm this authorisation at regular intervals.
2. As soon as the data provider confirms that the investigation is no longer ongoing in accordance with Article 2(1) or when the data provider confirms, in accordance with paragraph 1, that it is no longer authorised to process the investigative data, Europol shall delete such investigative data without prejudice to a possible storage of the data in accordance with Article 8. Europol shall also delete the data if no such confirmation is received within a specific timeframe.

Europol Unclassified - Basic Protection Level

3. Where Europol concludes that the data do not comply with the requirements of Article 18(5) of the Regulation, it shall delete such investigative data without prejudice to a possible storage of the data in accordance with Article 8.
4. In the cases mentioned in paragraph 2, Europol shall notify the provider of the data prior to the deletion.

Article 8

Storage for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process

1. Before deleting the investigative data upon expiry of the time limits stipulated in Article 7, Member States may request Europol to store specific investigative data and the outcome of its processing of those data beyond the processing period determined by such time limits for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process. Europol may store the data only where requested by the provider of the investigative data or, with the provider's agreement, by a Member State in which judicial proceedings concerning related criminal investigations are ongoing.
2. To determine the admissible storage duration, Europol shall, upon receipt of a storage request, require the provider of the investigative data to notify Europol upon termination of the judicial proceedings concerning the specific criminal investigation for which the investigative data were provided. In case of related criminal investigations in a Member State other than the one having provided the investigative data to Europol, Europol shall require that other Member State to notify it upon termination of the judicial proceedings concerning such related criminal investigation.
3. In accordance with Article 5, only duly authorised staff shall have access, specifically designated for the purpose outlined in paragraph 1, to the investigative data stored in accordance with this Article. The staff members shall be identified by means of a specific authorisation process in accordance with Article 5.
4. As soon as Europol is notified about the termination of the relevant judicial proceedings, it shall delete the relevant investigative data stored in line with paragraph 1. Europol shall inform the provider of the data accordingly by means of notification announcing the deletion of the data.
5. Personal data stored for the purpose of this Article shall be further functionally separated and will only be strictly accessible by specifically designated staff referred to in paragraph 3.

**Article 9
Technical guidelines**

The technical procedures for the provision, indications, verifications, assessments and reporting requirements referred to in this Decision shall be laid down in technical guidelines to be developed by the HENUs.

**Article 10
Review**

The Management Board may review and adjust this Decision when deemed appropriate.

**Article 11
Entry into force**

This Decision shall enter into force on the day of its adoption and shall replace the Decision of 28 June 2022.

Done at *[place]* on *[date]*

For Europol,

Chairperson of the Management Board

DRAFT



EDOC #1252127v2

(draft) Management Board Decision further specifying procedures for the processing of information for the purposes listed in Article 18(2) of the Europol Regulation¹

THE MANAGEMENT BOARD OF EUROPOL,

Having regard to Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation, and Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol), as amended, hereafter referred to as "the Regulation", and in particular, Articles 11(1)(q) and 18 thereof;

Having regard to Regulation 2018/1725, and in particular Article 71 and Article 73 thereof;

Whereas this Decision aims to replace the Management Board Decision adopting the guidelines further specifying the procedures for processing of information in accordance with Article 18 of the Europol Regulation of 13 December 2017, which as a consequence should be repealed;

Considering that this Decision takes into account and incorporates the safeguards and data protection guarantees provided for in Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation;

Whereas the Management Board, acting on a proposal from the Executive Director and after consulting the European Data Protection Supervisor ("EDPS"), shall specify the conditions relating to the provision and processing of personal data;

Whereas the EDPS delivered an opinion on *[date]*,

HAS DECIDED AS FOLLOWS:

Article 1

¹ This Decision also implements Articles 20(2a), 33a(2)(b), 33a(3) and 26(2) of the Regulation.

Scope

This Decision shall apply to the processing of personal data for the purposes listed in Article 18(2) of the Regulation.

Article 2

Personal data provided by the Member States, Unions bodies, international organisations and third countries

1. When providing personal data to Europol, Member States, Union bodies, third countries and international organisations shall determine the purpose(s) for which Europol may process the data. Where a provider has not indicated this specifically, Europol shall determine the appropriate purpose in consultation with the data provider concerned.
2. When providing personal data to Europol, Member States, third countries and, where applicable, Union bodies, shall indicate, where relevant and applicable, whether the contribution contains personal data for which the categories of data subjects are not yet identified in accordance with Annex II of the Regulation. Member States, Eurojust, European Public Prosecutor's Office and third countries shall also indicate where relevant and applicable, that the data is provided in order to support an ongoing specific criminal investigation in one or more Member States that Europol supports or is requested to support.
3. Upon receipt of personal data Europol shall verify, on the basis of this indication and the information provided, whether the categories of data subjects listed in Annex II of the Regulation for the personal data provided are identified. The provider shall be informed of the outcome of the verification. Personal data for which the categories of data subjects are identified shall be processed in accordance with Article 18(2) of the Regulation and this Decision in line with the determined specific purpose(s). Where the provider of the data has identified the category of data subject in accordance with the categories listed in Annex II of the Regulation of personal data previously provided to Europol, it may inform Europol thereof where appropriate.
4. The verification mentioned in paragraph 3 shall be logged following the standard logging, auditing and control mechanisms in accordance with Article 40(1) of the Regulation.
5. Personal data for which the categories of data subjects listed in Annex II of the Regulation are not yet identified, following the verification mentioned in paragraph 3, shall be processed in accordance with Articles 18(6a) or 18a of the Regulation and their respective implementing Management Board Decisions.

Article 3

Personal data provided by private parties, private persons or retrieved directly by Europol from publicly available sources

1. When receiving personal data from private parties or private persons, or when personal data is retrieved directly by Europol from publicly available sources, including the internet and public data, Europol shall verify, where required for the purposes listed in Article 18(2) of the Regulation, whether the categories of data subjects listed in Annex II of the Regulation are identified, on the basis of the information provided or retrieved.

Europol Unclassified - Basic Protection Level

2. Personal data received by Europol from private parties, private persons or when personal data is retrieved directly by Europol from publicly available sources, including the internet and public data, for which the categories of data subjects are identified in accordance with Annex II of the Regulation, following the verification mentioned in paragraph 1, shall be processed in accordance with Article 18(2) of the Regulation and this Decision.
3. Personal data for which the categories of the data subjects listed in Annex II of the Regulation are not yet identified, following the verification mentioned in paragraph 1, shall be processed in accordance with Articles 18(6a) or 18a of the Regulation and their respective implementing Management Board Decisions.

Article 4 Processing for the purpose of cross-checking

1. Europol may process personal data for the purpose of cross-checking in accordance with Article 18(2)(a) of the Regulation, with the aim to identify connections or relevant links between information related to:
 - a) persons who are suspected of having committed or having taken part in a criminal offence in respect of which Europol is competent, or who have been convicted of such an offence,
 - b) persons regarding whom there are factual indications or reasonable grounds to believe that they will commit criminal offences in respect of which Europol is competent.
2. Personal data submitted for cross-checking in accordance with Article 18(2)(a) of the Regulation is processed with a view to enabling the comparison against other data sets. This can be by means of systematic checks, including automated checks by the system.

Article 5 Processing for the purpose of analyses of a strategic or thematic nature

1. Europol may process personal data for the purpose of analyses of a strategic or thematic nature in accordance with Article 18(2)(b) of the Regulation. Such processing shall aim to give an insight and better understanding of crime and criminal trends in general.
2. Even though personal data may be used for processing for the purpose of strategic and thematic analysis, the results of such analysis shall not contain any reference to concrete data subjects.
3. Unless explicitly stated otherwise, all contributions to a specific operational analysis project as well as data submitted for cross-checking under Article 18(2) (a), shall be deemed also to be submitted for the purpose of strategic and thematic analysis.

Article 6 Processing for the purpose of operational analyses

Europol Unclassified - Basic Protection Level

1. Europol may process personal data for the purpose of operational analysis in accordance with Article 18(2)(c) of the Regulation. Such processing shall aim to support investigations through all methods and techniques by which information is collected, stored, processed and assessed.
2. The processing for operational analysis shall only take place within the context of operational analysis projects. An operational analysis project is a platform in which operational analysis can be conducted to support investigations against specific targets. The scope of such a platform can, in particular, be a crime area covering one or more types of crime; it can relate to a geographical dimension, or it can focus on particular crime structures, phenomena or incidents that due to their size, complexity or impact require a dedicated approach.
3. Operational analysis projects shall be created, in consultation with the HENUs, by a Decision of the Executive Director, which may be delegated to the responsible Deputy Executive Director. The Management Board and the EDPS shall be informed of the Decision opening such an operational analysis project.
4. The Decision opening an operational analysis project shall specify:
 - a) The specific purpose for which it is set up;
 - b) The categories of personal data which may be processed, and where it concerns personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership and processing of genetic data or data concerning a person's health or sex life, the reason why the inclusion of such data is considered to be strictly necessary and proportionate for the purposes of the project concerned;
 - c) The categories of data subjects which may be processed, and where it concerns victims, witnesses or minors, the reason why the inclusion of such data is considered to be strictly necessary and proportionate for the purposes of the project concerned;
 - d) The participating Member States and associated third parties of the operational analysis project;
 - e) Specific conditions for storage, access, transfer and use of the personal data, where these are stricter than the generally applicable provisions to the processing of personal data in general under the Regulation or this Decision.
5. The Executive Director, and by delegation the responsible Deputy Executive Director, may decide, in consultation with the HENUs, to close an operational analysis project, or amend the decision opening the project, including the changing of categories, its purpose, its scope, its members or its extension. The Management Board and the EDPS shall be informed of any such Decision to amend or close a project.
6. The Management Board may instruct the Executive Director to modify the Decision opening or amending an operational analysis project. The Management Board may also instruct the Executive Director to close a project.
7. The EDPS may address any comment on the opening, closure or amendment of an operational analysis project it deems necessary to Europol as controller of the data processing. Europol shall promptly inform the Management Board of any such comments received from the EDPS and seek without any undue delay to implement, in consultation with the Management Board any recommendations made by the EDPS in relation to the opening, closure or amendment of an operational analysis project.

Europol Unclassified - Basic Protection Level

8. Where it becomes apparent that personal data provided for operational analysis in one operational analysis project may be relevant for another operational analysis project, Europol may use it in that other project; however, further processing of that personal data shall only be permitted in so far as such further processing is necessary and proportionate, and the personal data comply with the conditions applicable to the other operational analysis project. In such cases, Europol shall inform the data provider without undue delay of its decision to use it in the other operational analysis project.² The justification for such use in another operational analysis project shall be duly documented.
9. All Member States shall be invited to participate in an operational analysis project at the moment of setting up the project. Member States can inform Europol of their intention to participate at the moment of setting up the project or at a later stage.
10. Union bodies, third countries and international organisations, with whom the exchange of personal data is permitted under any of the provisions of Chapter V of the Regulation, may be invited to be associated to a certain operational analysis project if the purpose of the project is relevant to them or if the data processed in the project concerns them and if agreed by all participating Member States. Notwithstanding the possibilities to exchange personal data with private parties under Article 26 of the Regulation, private parties and private persons may not be associated to an operational analysis project.
11. Europol shall develop and implement, in close collaboration with the HENUs, a procedure for the transmission and acceptance of information in operational analysis projects. This procedure shall be submitted to the Management Board for approval. This procedure shall specify:
 - a) that contributions shall indicate for which operational analysis project or projects the information is intended. Where the data provider has not indicated this explicitly, Europol shall determine the appropriate destination in consultation with the data provider concerned.
 - b) that contributions shall be in accordance with the categories of personal data and data subjects as specified in the decision opening the operational analysis project.
 - c) that, unless explicitly stated otherwise, all contributions to a specific operational analysis project shall be deemed to be submitted for the purpose of operational analysis.
 - d) that if Europol believes, after appraisal, that personal data provided by Member States, Union bodies, third countries and international organisations for an operational analysis project is incorrect, inaccurate, no longer up to date or should not have been transmitted, it shall without undue delay inform the data provider, which shall provide its position on the matter, and take appropriate action, including restricting the processing of the personal data deemed incorrect, inaccurate or no longer up to date ensuring they can no longer be processed with the exception of storage.
12. Prior to the closure of an operational analysis project, Europol and the providers of the information contained within it, shall agree on the further retention and, where needed, appropriate reallocation of purpose or allocation to different operational analysis project(s), or destruction of said information. Where no agreement on individual contributions of personal data can be found, the personal data shall be deleted by Europol.

² In the event that the data provider does not agree with the use of the data in the other operational analysis project, then it can restrict its use in accordance with Article 19.2 of the Regulation and inform Europol of such restriction.

Article 7

Processing for the purpose of facilitating the exchange of information

1. Europol may process personal data for the purpose of facilitating the exchanges of information between Member States, Europol, other Union bodies, third countries, international organisations and private parties in accordance with Article 18(2)(d) of the Regulation. Europol may enable the use of its infrastructure for that purpose.
2. Where these exchanges exclude Europol, its infrastructure may still be used for that purpose and these exchanges shall take place under the responsibility of the entities concerned and in accordance with their law. This applies in particular to those exchanges of information that fall outside of Europol's mandate. The security of such exchanges shall be ensured in accordance with Article 91 of Regulation (EU) 2018/1725.
3. Paragraphs 1 and 2 of this Article may also include automated processes.
4. The exchange of information under this Article shall be without prejudice to the role and responsibilities of the Europol national units as prescribed in Article 7 of the Regulation.
5. Europol, the Member States, Union Bodies, third countries, international organisations and private parties shall each take up their respective responsibilities in terms of information security and take appropriate measures to enforce it.
6. Europol shall follow its operational priorities, in consultation with its Management Board, when deciding which third country, international organisation, other Union bodies or private party shall receive access to Europol's infrastructure for this purpose.

Article 8

Processing for the purpose of research and innovation projects

1. Europol may process personal data for the purpose of research and innovation projects regarding matters covered by the Regulation for the development, training, testing and validation of algorithms for the development of specific tools, and other specific research and innovation projects relevant for the achievement of Europol's objectives set out in Article 3 of the Regulation, in accordance with Article 18(2)(e) of the Regulation.
2. If necessary to achieve the objectives of Europol's research and innovation projects, the processing of personal data for the purpose of research and innovation, as referred to in paragraph 1, shall be carried out only in the context of research and innovation projects with clearly defined purposes and objectives. These projects will be subject to the additional safeguards provided for in Article 33a of the Regulation.
3. The Management Board shall define the general scope for the research and innovation projects that Europol can establish in accordance with Article 33a(3) of the Regulation in a binding document by defining the overall strategic objectives, goals and subject matters to be addressed by the research and innovation

Europol Unclassified - Basic Protection Level

projects. The document shall be updated where appropriate and made available to the EDPS for the purpose of its supervision.

4. In accordance with the procedure outlined in 33a(2)(c), the Management Board shall be consulted prior to the launch of those research and innovation projects which are not yet covered by the binding general scope for the research and innovation projects of Europol decided by the Management Board in accordance with paragraph 3 of this Article. For research and innovation projects within that scope, the Management Board shall only be informed.

Article 9

Processing for the purpose of supporting Member States, upon their request, in informing the public about wanted suspects or convicted individuals

1. Europol may process personal data for the purpose of supporting the Member States, upon their request, in informing the public about suspects or convicted individuals who are wanted on the basis of a national judicial decision relating to a crime that falls within Europol's objectives and facilitating the provision by the public of information on those individuals, to the Member States and Europol in accordance with Article 18(2)(f) of the Regulation.
2. The conditions for the processing of personal data according to this article shall be further specified in a Decision by the Management Board and shall at least specify the technical means used to inform the public, the access management as well as the content management, including criteria for the selection of suspects or convicted individuals and for data quality as well as data retention requirements. Until that Decision is taken by the Management Board, the "*Policy on the use of the EU Most Wanted Platform*"³ as approved by the Deputy Executive Director of Europol Operations Directorate on 24 August 2015 remains valid provisionally.

Article 10

Access to the data for Europol staff

1. Notwithstanding Article 11 of this Decision, only trained and duly authorised Europol staff members shall have access to the personal data processed by Europol pursuant to Article 18(2) of the Regulation. The Executive Director shall identify specifically which staff members will have access to such personal data by means of a specific authorisation process. These staff members shall only have access to the data which they need to know for the performance of their duties and without prejudice to security requirements in accordance with Article 67 of the Regulation.
2. Access to personal data referred to in Article 30(1) and (2) of the Regulation shall be authorised by the Executive Director to only a limited number of Europol staff and only when such access is strictly necessary for the performance of their duties.

Article 11

Access by Member States and Europol staff to information stored by Europol in accordance with Article 20(2a) of the Regulation

³ EDOC #828583v8

Europol Unclassified - Basic Protection Level

In the framework of operational analysis projects referred to in Article 18(3) of the Regulation and subject to the rules and safeguards for personal data processing set out in the Regulation, Member States may determine information to be made directly accessible by Europol to selected other Member States for joint operational analysis in specific investigations, without prejudice to any restrictions indicated pursuant to Article 19(2) of the Regulation. The procedures and conditions for this joint operational analysis shall be further specified in a Decision by the Management Board.

Article 12 Time limits for processing

Europol may store personal data processed under this Decision only for as long as is necessary and proportionate for the purposes for which the data are processed as outlined in Articles 4 to 9 of this Decision and in accordance with the time limits and conditions as set out in Article 31 of the Regulation.

Article 13 Forwarding personal data received directly from private parties to national units concerned

1. Where Europol receives personal data directly from private parties, Europol shall forward the personal data and any relevant results from the necessary processing of those data for the purpose of establishing jurisdiction immediately to the national units concerned in accordance with Article 26(2) of the Regulation.
2. A Member State of establishment of a private party may choose to be considered per default or only in specific circumstances as 'national unit concerned' for the purpose of the forwarding of the data as outlined in paragraph 1, in which case that Member State shall inform Europol thereof.

Article 14 Technical guidelines

The technical procedures for the provision, indications, verifications, assessments and reporting requirements referred to in this Decision shall be laid down in technical guidelines to be developed by the HENUs.

Article 15 Replacement and repeal

The Management Board Decision adopting the guidelines further specifying the procedures for processing of information for the European Law Enforcement Agency in accordance with Article 18 of the Europol Regulation of 13 December 2017⁴ is hereby replaced and repealed with effect from the date of entry into force of this Decision.

Article 16 Review

⁴ EDOC #832397v36.

The Management Board may review and adjust this Decision when deemed appropriate.

Article 17
Entry into force

This Decision shall enter into force on the day of its adoption and shall replace the Decision of 28 June 2022.

Done at *[place]* on *[date]*

For Europol,

Chairperson of the Management Board

DRAFT

Fwd: @EXT: RE: Meeting in EDPS - Montoyer 30

EDOC -#1252125-v2-2-DRAFT Revised version of MB Decision on the conditions related to the processing of personal data on the basis of Article 18(6a) ER.DOCX

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