

Querido Juan Fernando,

Revision of Europol's legal basis, in accordance with the Lisbon Treaty

The inter-institutional framework introduced by the Treaty of Lisbon is designed to confer greater democratic legitimacy to the whole area of EU police cooperation.

Article 88 of the Treaty on the Functioning of the European Union provides for a new legal basis for Europol, to be adopted through the ordinary legislative procedure. An important aspect of the future regulation relates to the modalities of scrutiny by the European Parliament, together with national Parliaments, of Europol's activities.

I regard the preparations for Europol's future framework as an exercise of the utmost importance.

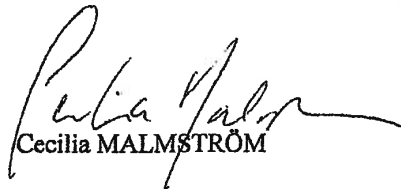
As you know, Europol's current legal basis, a Council Decision replacing the Convention, has been applied only since 1 January this year. A lengthy process preceded its adoption and its implementation is still under way. The full impact of both the organizational changes and the operational innovations has yet to be gauged.

I believe it is crucial that the Commission present to the European Parliament and to the Council a proposal which is sound and well thought-through and one which delivers to our citizens a body equipped to better protect them whilst at the same time upholding the highest standards of respect of fundamental rights.

For these reasons, I wish to associate you in the reflections on the preparatory work for the future Europol regulation. It is my intention to launch an informal discussion to exchange ideas which will contribute to enriching the debate on such an important topic. I would also very much appreciate it if the European Parliament would contact the national Parliaments with a view to involving them in this exercise.

The attached road-map outlines how I intend to move forward with your support.

I would be happy to take the opportunity to discuss this matter with you in the margins of the next Plenary Session or of the JHA Council meeting.


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Roadmap for the revision of Europol's legal basis

Issues	Proposals	Timetable
<p>The pre-requisite for a revision of Europol's legal basis</p>	<p>The Europol Council Decision introduces a number of innovations, including an extended mandate of the agency and new powers of oversight for the European Parliament.</p> <p>A revision of this instrument, in accordance with the Lisbon framework, would benefit from an assessment of the impact of the initial phases of operation of the Council Decision. This would be a key input for a future gap/needs analysis.</p> <p>The Council Decision requires an external independent evaluation – to be commissioned by the Management Board - of the implementation of this Decision and of the activities carried out by Europol before 1.1.2014.</p> <p>It is recommended that the evaluation take place early in 2013, when it will be possible to properly measure the <u>impact</u> of the current Decision on Europol's activities and on EU law enforcement cooperation. This will represent an essential component of the preparation of a sound and reasoned proposal for a Regulation.</p>	
<p>The focus of the evaluation and the role of stakeholders</p>	<p>The stakeholders' input will constitute an essential contribution towards the drawing up of the assessment criteria to be used in the evaluation study.</p> <p>The agreed terms of reference should be communicated to an independent external evaluator chosen by common accord of the stakeholders following an appropriate procurement procedure.</p>	<p>It is desirable that the initial discussions among stakeholders take place already before end 2010.</p> <p>The agreed terms of reference should be drawn up in 2011.</p> <p>The selection procedure for the evaluator should take place during 2012.</p> <p>The evaluation work should start at the end of 2012.</p> <p>The results of the evaluation should be delivered during 2013.</p>
<p>Other issues to be addressed in the context of the revision of the Council Decision on Europol</p>	<p>The stakeholders will be invited to make concrete proposals as to how the powers of scrutiny by the European Parliament, together with the national Parliaments, over Europol's activities can be efficiently implemented in practice.</p>	<p>A Commission Communication on democratic scrutiny will be issued in autumn 2010. Based on this key input, the European Parliament, together with national Parliaments, will be invited to make proposals.</p> <p>The Commission proposal for a European Parliament and Council Regulation on Europol should be issued before the end of 2013.</p>