Autorité pour les partis politiques européens et les fondations politiques européennes

# MEMORANDUM OF UNDERSTANDING

BETWEEN

The Authority for European Political Parties and European Political Foundations (hereinafter referred to as the "Authority") and the European Union Agency for Law Enforcement Cooperation (hereinafter referred to as the "Europol"),
Together hereinafter referred to as the "Parties",

Having regard to 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) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA[1], as amended by Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022[2] (the "Europol Regulation"),

Having regard to Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations[3], as amended in particular by Regulation (EU, Euratom) 2019/493 of the European Parliament and of the Council of 25 March 2019[4] (the "European Political Parties Regulation"),

Whereas

(1) cyber-enabled crimes involving unlawful use of personal data, such as data theft, data leaks or deep-fakes, are a serious challenge for European democracy if used in an electoral context,

(2) in accordance with Article 10a of the European Political Parties Regulation, the Authority is mandated with a verification procedure related to infringements of rules on the protection of personal data in the context of European elections,

(3) Europol's role is to support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy, as listed in Annex I of the Europol Regulation,

(4) cyber-enabled crimes involving unlawful use of personal data, including for electoral purposes, may be committed by means or for the purpose of a serious crime listed in the above-mentioned Annex I, such as computer crime or fraud,

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1 OJ L 135, 24.5.2016, p. 53–114.
2 OJ L 169, 27.6.2022, p. 1.
3 OJ L 317 4.11.2014, p. 1.
4 OJ L 85I, 27.3.2019, p. 7.

(5) Europol's serious and organised crime threat assessment of 2021 (EU SOCTA), entitled "*A corrupting influence: the infiltration and undermining of Europe's economy and society by organised crime*", identified the continuing risk that cybercriminals may exploit the significantly increased volume of digital personal data for the purpose of perpetrating different types of crimes,

(6) the European Commission's Communication on the European democracy action plan of 3 December 2020[5], stresses the need to strengthen the resilience of EU democracies in the face of challenges posed by the new threat landscape and calls for strengthening cooperation structures,

(7) the Parties agree to establish a framework of cooperation in this regard,

(8) a Memorandum of Understanding should set out this framework, as developed below, within the limits of the respective specific mandates, means and capabilities and shall not be considered as a formal working arrangement for operational cooperation nor as creating any legally binding obligations on either party.

Have agreed on the following:

## Article 1

## Objective

The objective of this Memorandum of Understanding is to set out the modalities for cooperation between the Parties, subject to the applicable provisions of their respective legal frameworks, in the following areas:

(a) strategic threat analysis, and

(b) raising awareness of possible threats among Member States and institutional partners,

## Article 2

## Roles and responsibilities

1. Europol endeavours to continue monitoring these particular cyber-enabled crimes and inform the Authority proactively, as appropriate in light of the respective areas of competence and mandate, and welcomes the Authority's contributions in this regard.

2. Should key trends be observed related to the unlawful use of personal data to influence elections to the European Parliament, Europol may transmit the information to the Authority and/or the competent Member State law enforcement authorities in line with its legal framework and the principle of ownership of data.

3. The Authority may contribute to Europol's strategic analysis products by providing relevant non-operational information possibly identified by the Authority in the exercise of its mandate.

4. The parties may cooperate, each within their mandate, in raising awareness, within their respective networks and partners in the Member States, regarding that any act involving the deletion, disclosure, manipulation or misuse of personal data in the context of the European

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5 COM(2020) 790 final.

elections, even if it is of a local or national nature, may be of interest to the national data protection authorities and the Authority.

5. Europol shall notify Member States, via the Europol national units, without delay of any information on and connections between criminal offences concerning them as a result of the cooperation between the Authority and Europol, in line with its legal frameworks.

**Article 3**

**Expenses**

Europol and the Authority each bear their own expenses that may arise in the course of implementing this Memorandum of Understanding, unless agreed otherwise on a case-by-case basis.

**Article 4**

**Confidentiality**

1. Europol and the Authority each undertake not to disclose any information, document or other material communicated to them without the prior written consent of the originating Party. This is without prejudice to transparency obligations of the parties under EU Law.

2. Requests for public access to information exchanged on the basis of the present Memorandum of Understanding shall be submitted to the originating Party for their advice as soon as possible.

3. The information exchanged between the Parties excludes classified information as well as operational information, including personal data.

**Article 5**
**Entry into force, duration and revision**

1. This Memorandum of Understanding shall enter into force on the day following its signature by Europol and the Authority.

2. Each Party may terminate the Memorandum of Understanding in writing with a notice of three months. Termination shall not affect the operational use of information exchanged prior to termination taking effect.

3. Europol and the Authority may by mutual agreement at any time amend or supplement this Memorandum of Understanding. Any such amendments, supplements, or terminations shall be in writing.

Done in Brussels on 7 November 2023 in duplicate copy in the English language.

**Signatures**

| **For the European Union Agency for Law Enforcement Cooperation,** | **For the Authority for European Political Parties and European Political Foundations,** |
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| [redacted] | [redacted] |
| Catherine DE BOLLE, Executive Director | Pascal SCHONARD, Director |