

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

CHAPTER XI

MISCELLANEOUS PROVISIONS

Article 62

Legal status

- 1 Europol shall be an agency of the Union. It shall have legal personality.
- 2 In each Member State Europol shall enjoy the most extensive legal capacity accorded to legal persons under national law. Europol may, in particular, acquire and dispose of movable and immovable property and be a party to legal proceedings.
- 3 In accordance with Protocol No 6 on the location of the seats of the institutions and of certain bodies, agencies and departments of the European Union, annexed to the TEU and to the TFEU ('Protocol No 6'), Europol shall have its seat in The Hague.

Article 63

Privileges and immunities

- 1 Protocol No 7 on the privileges and immunities of the European Union, annexed to the TEU and to the TFEU, shall apply to Europol and its staff.
- 2 Privileges and immunities of liaison officers and members of their families shall be subject to an agreement between the Kingdom of Netherlands and the other Member States. That agreement shall provide for such privileges and immunities as are necessary for the proper performance of the tasks of liaison officers.

Article 64

Language arrangements

- 1 The provisions laid down in Regulation No 1⁽⁴⁾ shall apply to Europol.
- 2 The Management Board shall decide by a majority of two-thirds of its members on the internal language arrangements of Europol.
- 3 The translation services required for the functioning of Europol shall be provided by the Translation Centre for the bodies of the European Union.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2016/794 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 65

Transparency

- 1 Regulation (EC) No 1049/2001 shall apply to documents held by Europol.
- 2 By 14 December 2016, the Management Board shall adopt the detailed rules for applying Regulation (EC) No 1049/2001 with regard to Europol documents.
- 3 Decisions taken by Europol under Article 8 of Regulation (EC) No 1049/2001 may be the subject of a complaint to the European Ombudsman or of an action before the Court of Justice of the European Union, in accordance with Articles 228 and 263 TFEU respectively.
- 4 Europol shall publish on its website a list of the Management Board members and summaries of the outcome of the meetings of the Management Board. The publication of those summaries shall be temporarily or permanently omitted or restricted if such publication would risk jeopardising the performance of Europol's tasks, taking into account its obligations of discretion and confidentiality and the operational character of Europol.

Article 66

Combating fraud

- 1 In order to facilitate the fight against fraud, corruption and any other illegal activities under Regulation (EU, Euratom) No 883/2013, Europol shall, by 30 October 2017, accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-Fraud Office (OLAF)⁽²⁾ and shall adopt appropriate provisions applicable to all employees of Europol, using the template set out in the Annex to that Agreement.
- 2 The Court of Auditors shall have a power of audit, on the basis of documents and on-the-spot checks, over all grant beneficiaries, contractors and subcontractors who have received Union funds from Europol.
- 3 OLAF may carry out investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract awarded by Europol. Such investigations shall be carried out in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and in Council Regulation (Euratom, EC) No 2185/96⁽³⁾.
- 4 Without prejudice to paragraphs 1, 2 and 3, working arrangements with Union bodies, authorities of third countries, international organisations and private parties, contracts, grant agreements and grant decisions of Europol shall contain provisions expressly empowering the Court of Auditors and OLAF to conduct the audits and investigations referred to in paragraphs 2 and 3, in accordance with their respective competences.

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Article 67

Rules on the protection of sensitive non-classified and classified information

1 Europol shall establish rules on the obligations of discretion and confidentiality and on the protection of sensitive non-classified information.

2 Europol shall establish rules on the protection of EU classified information which shall be consistent with Decision 2013/488/EU in order to ensure an equivalent level of protection for such information.

Article 68

Evaluation and review

1 By 1 May 2022 and every five years thereafter, the Commission shall ensure that an evaluation assessing, in particular, the impact, effectiveness and efficiency of Europol and of its working practices is carried out. The evaluation may, in particular, address the possible need to modify the structure, operation, field of action and tasks of Europol, and the financial implications of any such modification.

2 The Commission shall submit the evaluation report to the Management Board. The Management Board shall provide its observations on the evaluation report within three months from the date of receipt. The Commission shall then submit the final evaluation report, together with the Commission's conclusions, and the Management Board's observations in an annex thereto, to the European Parliament, the Council, the national parliaments and the Management Board. Where appropriate, the main findings of the evaluation report shall be made public.

Article 69

Administrative inquiries

The activities of Europol shall be subject to inquiries by the European Ombudsman in accordance with Article 228 TFEU.

Article 70

Headquarters

The necessary arrangements concerning the accommodation to be provided for Europol in the Kingdom of the Netherlands and the facilities to be made available by the Kingdom of the Netherlands, together with the specific rules applicable there to the Executive Director, members of the Management Board, Europol's staff and members of their families, shall be laid down in a headquarters agreement between Europol and the Kingdom of the Netherlands, in accordance with Protocol No 6.

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- (1) Regulation No 1 determining the languages to be used by the European Economic Community (OJ L 17, 6.10.1958, p. 385/58).
- (2) OJ L 136, 31.5.1999, p. 15.
- (3) Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

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Changes and effects yet to be applied to :

- [Regulation revoked by S.I. 2019/742 reg. 37](#)