



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate A: Internal security
Unit A.3 : Police co-operation and access to information

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SUMMARY REPORT OF THE DISCUSSIONS BETWEEN THE DIRECTORATE GENERAL FOR HOME AFFAIRS, WITH REPRESENTATIVES OF NATIONAL PARLIAMENTS AND OF THE LIBE COMMITTEE ON THE REVISION OF EUROPOL'S LEGAL BASIS.

Members of national Parliaments (in alphabetical order): Mr Ben Fayot, MP, LX; Mr Diego Lopez Garrido, MP, ES; Lord Hannay, UK; Mr Morgan Johansson, MP, SE; Mr Aleksejs Loskutovs, MP, LV; Ms Isabel Oneto, MP, PT; Mr Stefan Pirpiliu, MP, RO; Senator Ludek Sefzig, CZ; Senator Michal Sewerynski, PL; Mr Roberto Soravilla MP, ES; Hon Francis Zammit, MP, MT.

Member of the European Parliament: Mr Wiedenholzer (AT/S &D)

Participants from Commission Directorate General for Home Affairs (DG HOME): Stefano Manservigi, Director General, Reinhard Priebe, Director for internal Security - DG HOME.A, Victoria Amici, Head of sector for Relations with Europol -DG HOME A.3

Permanent representatives of national Parliaments, Parliament officials, officials of LIBE secretariat and observers from EFTA also attended.

Purpose:

To present to members of national Parliaments and of LIBE the thrust of the envisaged reform of Europol, including ideas on parliamentary scrutiny, in a genuinely "lisbonized" context. To obtain feedback which will contribute to the development of DG HOME's proposals for the future regulation governing Europol.

Content:

The discussion took place in the framework of the extended dialogue with institutional stakeholders on the preparation of the future Europol regulation. The latter was presented as an opportunity, beyond a mere legislative exercise, to better equip the EU with the capability to fight global threats in a more inclusive system of governance.

Having indicated the Commission's timetable for the adoption of the instrument, Mr Manservigi illustrated the overall goal of the reform (improving Europol's efficiency, effectiveness and accountability) and a number of objectives which would serve to achieve that goal. These included:

- improving the flow of information to Europol, possibly through mandatory measures, certainly through incentives;
- giving Europol more opportunities to trigger joint operations at national level;
- rationalizing the area of external relations in way that would allow Europol to perform its duties within the framework of EU agreements with 3rd countries;
- guaranteeing the highest standards of data protection;
- rationalizing Europol's governance arrangements;

Parliamentary scrutiny was presented as a means to deliver more efficient services by Europol. Bringing Europol's activities closer to those of national Parliaments, would contribute the latter's' ownership of the European dimension of the criminal threat affecting Member States and of their solution. It would also enhance the trust between the agency and its constituencies.

Several members underlined the interest of national Parliaments in the topics presented and approval of the overall goal to enhance Europol's effectiveness. There appeared to be overall consensus that operational activities of the agency ought to be excluded from the scope of parliamentary scrutiny. A distinction could usefully be drawn between *ex ante* and *ex post* supervision.

The idea of a consultation of both the European and the national Parliaments on Europol's multiannual strategy was welcomed, as an opportunity to debate the threat analyses underpinning the envisaged strategy.

Improving the provision of information by Member States was an objective shared and incentives were considered more desirable than mandatory provisions. Attention should be paid to national subsidiarity. Direct exchanges with private sector actors were generally regarded as essential to tackle cybercrime. Rearranging the EU and Europol's 3rd country relations ought not be perceived as a substitute to existing and very valuable bilateral law enforcement operational cooperation between national police services across the EU boundaries.

Mr Manservisi made clear that the Commission would not formulate proposals on the modes of interparliamentary cooperation, but only on the content of the scrutiny. Several members took the opportunity to insist it was important not to create new structures, and to use existing fora such as the yearly LIBE interparliamentary committee. There was also a call for a more flexible mechanism to complement the annual meetings. In that context, there was a suggestion to interlink the scrutiny over Europol with that of Eurojust and Frontex and to synchronize the delivery of their respective activity reports. Mr Manservisi pointed out that the scrutiny of Europol's activities should be seen as a self-standing legal requirement which did not however impede a joint discussion on agencies.

Conclusions:

Members expressed interest in further contributing their ideas in months to come. Since the October 2012 LIBE-interparliamentary meeting would take place too late for the purpose of providing input to the COM's preparatory work, Mr Manservisi welcomed written contributions and thanked members and other participants, once again, for their attendance and valuable contributions.