

Comment to the reply of our written question and open letter to the current Presidency of the Council

The General Secretariat of the Council has sent the 10th of December its answer to the written question co-signed by Barbara Spinelli (GUE/NGL), Kostas Chrysogonos (GUE/NGL), Malin Björk (GUE/NGL), Martina Anderson (GUE/NGL) and Marie-Christine Vergiat (GUE/NGL) on the Joint Police operation 'Mos Maiorum'.

In the written answer, the Council declares that "*the joint police operation Mos Maiorum is conducted under the responsibility of the Italian State (...). The Council as an institution has therefore not taken any decision in its setting up, nor is it in a position to comment on the way it is managed*" finally "*the competent courts, along with the Commission, as guardian of the Treaties, are responsible for overseeing Member States' application of Union law*".

We Barbara Spinelli and Kostas Chrysogonos (GUE/NGL) deplore this buck passing of responsibilities. While the Italian Presidency has openly acknowledged its capital role in [planning](#) the operation, this does not entail, as such, the complete de-responsibilisation of the Council as an institution.

Not only does the Italian Presidency represent the Council with the other EU institutions, the launch of Mos Maiorum was agreed upon [during a Council's Law Enforcement Working Party](#) and, according to the [leaked proposal from 10 July](#), Member States had to confirm their participation also to the General Secretariat of the Council thus further proving the Council's involvement in this operation.

We would therefore like to know what does the Italian Presidency and Italian Permanent Representation think of the aforementioned written answer and whether they plan to comment the allegations of their exclusive participation in planning the operation.

The Italian Presidency's programme [was supposed to](#) "*promote a more active role of the European Union in areas where the European initiative adds value, such as protection of fundamental rights as well as migration and asylum policies. In this context, the Italian Presidency intends to work at developing a genuine solidarity at a European level and promoting a European migration policy*".

Were they to confirm their exclusive participation in the programme, we find it despicable that the soon-to-be replaced Italian Presidency has only focused its efforts - with regards to migration and asylum policies - on the aforementioned joint police operation.

Lastly we deplore the current framework of these joint operations, part of the EU's Internal Security Strategy, frames this situation of opacity and lack of legitimation of internal security policies.

We therefore call for the block of the renewal of the Internal Security Strategy:

- Until there is an evaluation on factual basis of the real impact of each measure taken in each Member States of the measures adopted in police cooperation in criminal

matters before the entry into force of the Lisbon Treaty (see Art 10 of Prot. 36 to the Lisbon Treaty)¹ and,

- The establishment of a consistent EU legislative policy - involving the European Parliament in co-decision - built on article 87 par. 2 (non-operational cooperation) TFUE is urgent to frame in a clearer way which are the obligations of the Member States and of the EU in this very sensitive domain. Also, the “Policy Cycle” should be better defined by law so that also the role of the European Agencies (including Frontex) could be better framed.

¹ The evaluation of these measures should comply with the requirements of art. 70 of the TFUE as recently implemented for the Schengen related measures.