

Committee on Civil Liberties, Justice and Home Affairs
The Chairman

Mrs Viviane REDING
Vice-President of the European Commission
BRU-BERL 12/288
BE-1049 BRUSSELS

312535 18.07.2013

Dear Vice-President,

Thank you for your letter of 11 July in reply to my letter of 2 July.

Your letter gives information about the composition of the group of experts that will be set up with the United States of America to clarify matters with regard to the Prism Programme (you indicate that the group would be composed of the EEAS, the Article 29 Working Party, Members State experts from the data protection field and from the field of security, intelligence and anti-terrorism). I understand that in fact two different groups may discuss the data protection and intelligence-related issues. I would appreciate any further information you could provide on such a setting.

Unfortunately your letter does not take into consideration the request of the LIBE Committee to be represented at the EU-US group of experts (hereinafter the group of experts). I can only regret this situation.

You have nevertheless reassured me that the Commission will regularly keep the European Parliament, and the LIBE Committee in particular, informed on the findings of the group.

Due to the high importance of this issue and its major impact on the fundamental rights of EU citizens as well as the legitimate interest of citizens to be informed about such programmes, the Commission should indeed provide the LIBE Committee Inquiry with immediate appropriate feedback after each meeting of the group of experts. This is a minimum requirement. This feedback should be provided at the first LIBE Committee meeting following the meeting of the group of experts, as long as the LIBE Committee meeting takes place at a date closely following the meeting of the group of experts. (If duly justified the LIBE Committee could meet *in camera*).

However where the dates between both meetings are not close enough, the Commission is called on to give initial feedback to the LIBE Members responsible for the inquiry on the electronic mass surveillance of EU citizens (the rapporteur and shadow rapporteurs)¹ immediately after the holding of the meeting of the group of experts.

¹ The rapporteur of this file is Mr Claude Moraes (S&D), while the shadow rapporteurs are Mr A Voss (EPP), Mr T Kirkhope (ECR), Ms In't Veld (ALDE), Mr J Albrecht (Greens) and Ms Ernst (GUE).

As you are aware the LIBE Committee Inquiry is based on the Parliament's resolution of 4 July. It should be considered as a priority for all EU Institutions and Member States to participate in this process in order to enlighten EU citizens as to the scope and impact of mass surveillance programmes. I therefore expect the Commission (as well as the Council) to support the LIBE Committee Inquiry providing all necessary information in a swift and cooperative manner.

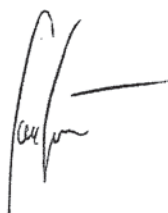
Since the first formal meeting of the group of experts will be held in Brussels on 22-23 July, the Commission is called on to debrief the LIBE Committee Inquiry in its meeting of 5 September.

Your services have already been informed of the readiness of the Rapporteur to hold a debriefing session on 23 July in the evening or 24 July together with the shadow rapporteurs. I understand that the Commission has unfortunately not deemed this feasible.

I would like to insist that the Rapporteur be given preliminary information (ahead of the debriefing of 5 September) on 24 July. Your services could liaise with the LIBE Committee secretariat for that purpose.

This will be in line with your reassurances of keeping the Parliament regularly informed. Such measures would merely be consistent with two key principles of the European Union: on the one hand the sincere cooperation as enshrined in the Treaties; on the other the accountability of the European Commission before the European Parliament.

Yours sincerely



Juan Fernando LÓPEZ AGUILAR

CC: Mr Martin SCHULZ, President of the European Parliament
Ms Cecilia MALMSTRÖM, Commissioner for Home Affairs, European Commission
Mr Raimundas KAROBLIS, Permanent Representative of Lithuania Council Presidency