

The Hague, 13 October 2022

Chairperson of the PEGA Committee of the
European Parliament
Member of the European Parliament (MEP)
Mr Jeroen Lenaers
Copy: LIBE Committee Secretariat

Request from the PEGA Committee

– Your letter, European Parliament file no D 310377, dated 28 September 2022

Dear Mr Lenaers,

Thank you for your letter, with which you bring the developments and considerations of the PEGA Committee to my attention.

First of all, I would like to express my sincere gratitude for the tremendous support and trust that the European Parliament as co-legislator has given to Europol in amending the Europol Regulation which entered into force on 28 June 2022.

It is Europol's priority to contribute to providing security to EU citizens, with a view to upholding the rule of law and protecting fundamental rights. Next to the high-profile international investigations which Europol assists on a daily basis, in particular Europol's multi-year, dedicated support to the criminal investigations at national level, following the killings of two journalists in EU Member States in 2017 and 2018 respectively, is testament to Europol's commitment and ambition.

As discussed during Europol Management Board (MB) meeting held on 11-12 October 2022, Europol is committed to make full use of the mandate and competences under the amended Europol Regulation. MB delegates also highlighted that national security remains the sole responsibility of Member States, according to Article 4 of the Treaty on European Union (TEU).

Europol provides tailored operational support to the competent authorities of EU Member States as well as other partners at EU level and in third countries, either by responding to their corresponding requests, or by reaching out when the information and analysis under the remit of Europol's mandate suggest that there are potential criminal activities which could fall within the objectives, tasks and forms of crime for which Europol is competent.

Against this background, for supporting and instigating criminal investigations into the unlawful use of intrusive surveillance and interception software, Europol, to date, has contacted five Member States in order to ascertain whether there is relevant information available at the national level for Europol and whether there is an ongoing or envisaged criminal investigation (or, instead, another inquiry under the applicable provisions of national law). One of the five Member States has meanwhile confirmed to Europol the initiation of criminal investigations under the oversight of the competent judicial authorities, and this has also been verified by Eurojust.

Europol Unclassified – Basic Protection Level

Europol is following up with the competent authorities in order to establish the required operational support by Europol at the national level, in line with the amended Europol Regulation.

Including in light of the actions taken by the PEGA Committee, Europol observes that criminal investigations, parliamentary inquiries and other supervisory activities have been launched in Member States to address the unlawful use of intrusive surveillance and interception software.

Europol is available to provide your Committee with an update of the developments with respect to the requests submitted to Member States in due course.

In concluding, I would like to reiterate my personal gratitude for your acknowledgment of, and support to Europol's work, which the PEGA Committee and, from an overall perspective, the European Parliament demonstrate on a continuous basis.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'C. De Bolle', with a long horizontal flourish extending to the right.

Catherine De Bolle