

Europol Joint Parliamentary Scrutiny Group

Draft Text

Of Troika Working Group

For the Conference of Speakers of EU Parliaments, 23-25 April 2017

Explanatory note

Pursuant to the conclusions of the Conference of Speakers of the EU Parliaments (Luxembourg 22-24 May 2016), the Working Group comprising the Troika of the Conference of Speakers (the Parliaments of Luxembourg, Slovakia, Estonia and the European parliament) conducted a consultation of EU Parliaments/Chambers in order to define the modalities of the Joint Parliamentary Scrutiny Group (JPSG) for Europol in the form of a questionnaire. The questionnaire comprising three basic questions was sent to all national parliaments/chambers and the European Parliament on 23 September 2016. All together, 34 Parliaments/Chambers representing 25 Member States and the European Parliament have answered the questionnaire. On the basis of the replies a draft proposal for the modalities of the JPSG was prepared by the Troika Working Group and presented to all Parliaments/Chambers as a basis for further discussion in the LIBE Inter-parliamentary Committee Meeting on 28 November 2016 (LIBE ICM).

As per the conclusions of Conference of Speakers of the EU Parliaments (Luxembourg 22-24 May 2016) the LIBE Inter-parliamentary Committee Meeting was the main forum for political discussion on the modalities of the JPSG. 31 Parliaments/Chambers representing 23 Member States and the European Parliament participated in the LIBE ICM. On the basis of the discussion in the LIBE ICM, the Troika Working Group has updated its draft proposal where necessary and is presenting the following draft text outlined in the next chapter to the Parliaments/Chambers.

While broad agreement was found on most issues, both consultations showed opposing visions on some elements. This second compromise version attempts to find a balance and to reconcile these opposing views. Parliaments/Chambers may submit amendments with respective justifications to this draft text by 3 February 2017. The draft text and amendments shall be made available in the Meeting of Secretaries General of EU Parliaments on 20-21 February in Bratislava for final endorsement by the Conference of Speakers of EU Parliaments on 23-25 April in Bratislava.

For all the Parliaments'/Chambers' information, the following paragraphs set out the reasoning behind each section of the draft text and the suggested compromises contained therein, on the basis of the discussion in the LIBE ICM. Several basic hypotheses underline the overall reasoning of the Troika Working Group: priority should be given to basic modalities of the JPSG so as to convene the group as soon as possible; tasks of the JPSG are already set out in Regulation 2016/794 and are specific to Europol's function as a cooperation body in police matters; it is important to ensure efficiency and workability of the newly created body.

On the question of membership in the JPSG, no Parliament/Chamber expressed opposition to the draft proposal that members of the JPSG should be selected individually by each Parliament/Chamber, bearing in mind the necessity to ensure substance matter expertise and recommending to draw from the responsible committee/committees. DE Bundestag further suggested that members should be appointed by their respective Parliament/Chamber to the JPSG for the duration of their parliamentary mandate in order to ensure continuity of the work of the JPSG. The need to ensure continuity was included in the draft text.

On the question of numerical composition of the JPSG, there was broad support for the draft proposal of the Troika in the LIBE ICM. Three Parliaments/Chambers (DE Bundestag, ES Senate, PL Sejm) emphasized that national Parliaments/Chambers should be able to nominate more than 2 members of the JPSG, in order to make better provisions for bicameral parliaments and to reflect political diversity in

Parliaments/Chambers. On the other hand, many others emphasized the need to keep the body small. In order to preserve the succinct nature of the proposed structure to ensure efficiency and workability, the original proposal of 2 members per Parliament (1 for each Chamber in the case of bicameral Parliaments) is therefore maintained. A stipulation is added allowing the two Chambers of bicameral parliaments, if they so wish, to come to a different arrangement between themselves that would result in the nomination of 2 members on behalf of the Parliament as a whole. Furthermore, in view of the EP's original proposal to include all 60 members of the LIBE committee, the EP urged for a modestly larger numerical representation, while agreeing on all other elements of the proposal. The total membership of the JPSG would thus be 66 members (or 64 depending on Denmark's participation).

On the question of presidency, frequency and place of meetings no opposition was expressed to the proposal to have the JPSG jointly presided by the Parliament of the country holding the rotating presidency of the Council of the EU and the EP. This part of the proposal is therefore maintained. Several Parliaments/Chambers however expressed the opinion that one meeting of the JPSG per year would not be enough (DE Bundestag, ES Senate, UK Lords, HU, CY, GR, PL Sejm). The new draft text therefore proposes bi-annual meetings of the JPSG. In order to maintain the balance between the national Parliaments and the EP, and with a view to the current distribution of work in the institutional framework of inter-parliamentary cooperation, it is proposed that one of these meetings is held in the first half of the year in the Parliament of the country holding the rotating presidency of the Council of the EU in the first semester and the second meeting is held in the European Parliament. Additionally, the option of an extraordinary meeting is maintained. Time and place of such a meeting should be decided by the Parliament of the country holding the rotating presidency of the Council of the EU and the EP as co-presidents of the JPSG. Moreover, some delegations expressed the need to define the circumstances of an extraordinary meeting, which was also added to the new draft text.

On additional matters and questions outside the scope of the basic modalities of the functioning of the JPSG, some supplementary suggestions were made, though none received immediate broad support in the LIBE ICM. The EP mentioned the need for the establishment of a secretariat for the JPSG. The DE Bundestag suggested that the JPSG should also have working groups, that effective procedures for voting and quorum should be discussed as one cannot work with the assumption that decisions will be taken on the basis of consensus. Moreover, they proposed that powers and tasks of the JPSG in between meetings, links with other European institutions and the setting up of a Secretariat should be considered, and that a constituent meeting of the JPSG should be held as soon as possible. The DK Parliament considered that it is crucial to establish how the JPSG will work and take up cases. The HU Parliament suggested that the language regime of the JPSG should be established according to Article 7 of the Stockholm guidelines. The CY Parliament also posited that sub-committees could clarify the role of the JPSG. The LT Parliament also suggested that work of the JPSG can be done in regional format and sub-committees. The Troika Working Group considers that these matters fall within the scope of the rules of procedure, which the JPSG should decide on itself once constituted.

Draft text of the Conclusions of the Conference of Speakers of the EU Parliaments of 23-25 April 2017 in Bratislava as pertaining to the Europol JPSG

The Conference of Speakers of Parliaments of the European Union pursuant to:

- a) Article 88 of the Treaty on the Functioning of the European Union,*
- b) Protocol Number 1 on the Role of National Parliaments in the European Union to the Treaty on the European Union,*
- c) Regulation 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol),*
- d) The tasks of the Joint Parliamentary Scrutiny Group set out in Regulation 2016/794,*

And in accordance with the Conclusions of the Conference of Speakers of the EU Parliaments of 22-24 May 2016 in Luxembourg,

Agrees that as concerns the Joint Parliamentary Scrutiny Group (JPSG) to carry out scrutiny of Europol's activities:

- 1) Members of the JPSG shall be selected individually by each Parliament/Chamber, bearing in mind the necessity to ensure substance matter expertise as well as long-term continuity and recommending to draw from the responsible committee/committees in Parliaments/Chambers.;*
- 2) Each Parliament shall have the right to nominate 2 members of the JPSG, in the case of bicameral parliaments each Chamber shall have the right to nominate 1 member of the JPSG (unless otherwise agreed between the two Chambers). The European Parliament shall have the right to nominate 10 members of the JPSG;*
- 3) The JPSG shall be presided jointly by the Parliament of the country holding the rotating presidency of the Council of the European Union and the European Parliament;*
- 4) The JPSG shall meet twice a year. In the first half of the year, the JPSG shall meet in the Parliament of the country holding the rotating presidency of the Council of the European Union. In the second half of the year, the JPSG shall meet in the European Parliament. If necessary, an extraordinary meeting can be convened upon agreement of the Parliament of the country holding the rotating presidency of the Council of the European Union and the European Parliament, to address matters of urgency or matters that cannot be reasonably included in the agenda of the ordinary meetings. Time and place of the extraordinary meeting shall be decided by the Parliament of the country holding the rotating presidency of the Council of the European Union and the European Parliament;*

And recommends that a constituent meeting of the JPSG should be held as soon as possible in order to adopt its rules of procedure so as to enable full work to begin in the second semester of 2017.