



Europol Joint Parliamentary Scrutiny Group

**Draft Proposal
Of Troika Working Group**

For LIBE Inter-Parliamentary Committee Meeting, 28 November 2016

I. Introduction

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 (LU-SK-EE-EP) conducted a consultation of EU parliaments/chambers in order to define the modalities of the Joint Parliamentary Scrutiny Group (JPSG) for Europol. The Troika Working Group considers that these modalities, which are to be adopted at the upcoming Conference of Speakers of the EU Parliaments in Bratislava on 23-25 April 2017, refer to questions of basic functioning and primary constitution of the JPSG as of 1 May 2017 (entry into force of the new Europol regulation) and that the actual rules of procedure of the JPSG are to be established by the JPSG itself once constituted.

Based on these considerations a questionnaire comprising three basic questions was sent to all national parliaments/chambers and the European Parliament on 23 September 2016. All together 34 Parliament/chambers representing 25 member states and the European Parliament have answered the questionnaire. These include:

- National Council of the Republic of Austria
- Federal Council of the Republic of Austria
- National Assembly of the Republic of Bulgaria
- Sabor of the Republic of Croatia
- House of Representatives of the Republic of Cyprus
- Senate of the Czech Republic
- Chamber of Deputies of the Czech Republic
- Riigikogu of the Republic of Estonia
- Eduskunta of the Republic of Finland
- National Assembly of the French Republic
- Senat of the French Republic
- Bundesrat of the Republic of Germany
- Bundestag of the Republic of Germany
- Saeima of the Republic of Latvia, the Hellenic Parliament
- National Assembly of the Republic of Hungary
- Chamber of Deputies of the Republic of Ireland
- Senate of the Republic of Ireland
- Senate of the Italian Republic
- Chamber of Deputies of the Italian Republic



Seima of the Republic of Latvia
 Seimas of the Republic of Lithuania
 Chamber of Deputies of the Grand Duchy of Luxembourg
 House of Representatives of the Republic of Malta
 House of Representatives of the Kingdom of the Netherlands
 Senate of the Kingdom of the Netherlands
 Senate of the Republic of Poland
 Sejm of the Republic of Poland
 Assembly of the Portuguese Republic
 Chamber of Deputies of Romania
 National Council of the Slovak Republic
 National Assembly of the Republic of Slovenia
 Riksdagen of the Swedish Kingdom
 United Kingdom House of Lords
 United Kingdom House of Commons
 European Parliament

The Folketinget of the Kingdom of Denmark has informed the Working Group that it has decided not to respond to the questionnaire, because Denmark's relation to the new Europol is unclear at present.

The following main questions were asked in the questionnaire:

1. Identification of the responding Parliament/Chamber
2. Members of the JPSG should be:
 - a. Chairpersons of the responsible committee in the parliaments
 - b. Members of the responsible committee in the parliaments
 - c. Selected individually by each parliament
 - d. Other (please specify)
3. The numerical composition of the JPSG should be similar to:
 - a. 1 MP per Chamber + EP as in the EU Speakers conference (total 42 members)
 - b. 6 MPs per NP and 16 MEPs as in the Inter-parliamentary Conference on CFSP/CSDP (total 184 members)

- c. 4 MPs per NP and all LIBE MEPs as in a standard format of an Inter-parliamentary Committee Meeting in the European Parliament (total 172 members)
 - d. 6 MPs per NP and 6 MEPs as in COSAC Plenary Meeting (total 174 members)
 - e. Size of delegations shall be determined by each Parliament as in the Inter-parliamentary Conference on Stability, Economic Coordination and Governance in the EU (total approximately 200 members)
 - f. New, to be determined format (please specify)
4. Who should preside the meetings and how frequently should the JPSG meet?
- a. Presided jointly by the EP and presidency parliament, regularly once a year in EP (with possibility of extraordinary meeting where necessary)
 - b. Presided jointly by the EP and presidency parliament, regularly twice a year in presidency country of the first semester and EP alternatively (with possibility of extraordinary meeting where necessary)
 - c. Presided by the presidency parliament, regularly twice a year in presidency country (with possibility of extraordinary meeting where necessary)
 - d. Other (please specify)

Additionally, one open-ended, non-mandatory question was asked:

5. With this process, the national parliaments and the European Parliament are establishing a new, unprecedented scrutiny body. In addition to the above questions, the Troika Working Group would therefore be interested in receiving examples of best practices from your national experience in parliamentary scrutiny of law enforcement (such as proposals related to workability, efficiency, confidentiality and expertise). Please shortly describe.

This document sets out a draft proposal for the modalities of the JPSG on the basis of replies to the above-mentioned questionnaire as well as the Regulation 2016/794 (new Europol regulation) and presents a basis for further discussion of the topic in the LIBE Inter-parliamentary Committee Meeting on 28 November 2016. All replies to the questionnaire as well as their graphical interpretation can be found in Annex I and Annex II.

II. Proposal

1. Membership of the JPSG

A clear preference for one of the options proposed in the questionnaire is not apparent from the answers to the questionnaire. Some parliaments/chambers have underlined that several different committees might be involved in the parliamentary scrutiny of Europol's activity and that this should be taken into account.

On this basis, it is proposed 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.***

2. Numerical composition of the JPSG

A clear common direction is not apparent from the answers to the questionnaire. However, a clear majority of parliaments/chambers prefers to introduce a new format for the JPSG, as opposed to following an already established format of inter-parliamentary cooperation. Some parliaments stressed that while they do not have an opinion on exact numbers and proportions, it is important to ensure workability and efficiency of the JPSG. There is a wide range of opinions particularly as to the question of how to interpret the stipulation of “equal footing” between national parliaments and the European Parliament in relation to numerical composition. Opinions on this matter range from allocating the same number of seats to the European Parliament as to each national parliament all the way to including the entire LIBE committee in the JPSG, as well as many options in-between. Some parliaments also stressed the need to consider appropriate arrangements for bicameral parliaments.

The efficiency and workability of the new body, a proper balance between the national parliaments and the European parliament as well as provisions for both unicameral and bicameral parliaments are all important considerations that need to be taken into proper account. On this basis, it is proposed that the ***JPSG be composed of 2 members of parliament per national parliament, in the case of bicameral parliaments 1 per each chamber, and 6 MEPs for a total of 62 full members.***

3. Presidency, location and frequency of meetings of the JPSG

None of the suggested options achieve a majority, with almost all options having fairly equal support. Some parliaments/chambers stress that it is important to consider the content of the agenda as well as the workability when deciding on the frequency and place of meetings. Some parliaments also emphasized that no undue burden should be placed on the rotating presidency and some others, that extraordinary meetings need not be specified.

Answers to the questionnaire, the need to take into account workability and efficiency (in relation for example to travel costs, interpretation etc.) and the tasks already set out for the JPSG as per Article 51 (and subsequently Article 7(11), Article 11(1)(a), Article 12(1) and Article 68) of the new Europol regulation were taken into account. It is thus proposed that the ***JPSG will be presided jointly by the EP and the parliament holding the rotating presidency, that it should meet once a year in the EP for 1 or more days based on the proposed agenda, and that if necessary an extraordinary meeting can be convened in the presidency country upon agreement of the parliament holding the rotating presidency and the European Parliament.***

4. Additional

Several parliaments/chamber have submitted replies providing examples of how scrutiny of police work is conducted within their national capacity. One parliament/chamber considers that suggestions for rules of procedure should be made already at this stage so as to enable actual parliamentary scrutiny as soon as possible. As the LIBE Inter-Parliamentary Committee will address more issues than those already addressed in the questionnaire, it is proposed that parliaments/chambers make further suggestions as to the modalities of the JPSG. Based on the LIBE ICM discussion, the Troika Working Group will endeavor to take into account further recommendations (for example the possibility of a secretariat, confidentiality of the meetings, possibility of sub-committees and working groups etc.) likely to attract consensus already at this stage for the JPSG in the decision to be adopted by the Conference of Speakers of EU Parliaments.

III. Further procedure

The Troika Working Group will carefully consider the further input provided by EU parliaments in the LIBE ICM on the main questions posed in the questionnaire. On this basis it will present a draft text on the modalities of the JPSG to Parliaments/Chambers by 16 December for potential further amendments by February 2017. This draft text should first and foremost define the basic modalities of the functioning of the JPSG so as to enable a first meeting of the JPSG following the entry into force of the new Europol regulation on 1 May 2017 (notably the determination of its members, the numerical composition, its leadership, and time and place for meetings).

The draft text, where possible and appropriate, can make further recommendations, based on the discussion in the LIBE ICM, for the more substantial functioning of the JPSG. The draft text should include a recommendation that the JPSG should hold a constitutive meeting 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.