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## Amendments of 26 September 2017 to the draft Rules of Procedure of 6 September 2017 for the Joint Parliamentary Scrutiny Group on Europol

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The German Bundestag thanks the European Parliament and the Estonian Parliament for presenting a draft of the Rules of Procedure for the Joint Parliamentary Scrutiny Group on Europol, hereinafter referred to as ‘the JPSG’.

Within the framework of interparliamentary scrutiny under Article 88(2) TFEU and Article 51(1) of Regulation (EU) No 2016/794 of the European Parliament and of the Council, hereinafter referred to as ‘the Europol Regulation’, the European Parliament and national parliaments are to exercise joint oversight of a European executive authority for the first time. Interparliamentary cooperation in permanent bodies has hitherto been confined to exchanges of best practice. Article 51(1) of the new Europol Regulation goes much further by laying the foundations for **permanent interparliamentary scrutiny of Europol**.

With a view to further enhancing efficiency in the exercise of this scrutiny, the Bundestag proposes the following amendments:

(1) The first sentence of Rule 2.3 should read as follows:

“The Chairperson of the Management Board, the Executive Director or their Deputies, and the European Data Protection Supervisor shall be **invited to each ordinary meeting** of the Joint Parliamentary Scrutiny Group on Europol.”

### Explanation

Under the Europol Regulation, the Chairperson of the Management Board and the Executive Director or their Deputies are to appear before the JPSG at its request to discuss matters relating to the activities of Europol (point (a) of subparagraph 2 of Article 51(2)), and the European Data Protection Supervisor is to appear before the JPSG to discuss general matters relating to the protection of fundamental rights and freedoms of natural persons in the context of Europol activities (point (b) of subparagraph 2 of Article 51(2)). In order to facilitate the exercise of this right of the JPSG in the framework of the biannual ordinary meetings, the designated representatives of Europol and the European Data Protection Supervisor should be present at each ordinary meeting of the JPSG.



(2) The title of Article 3 should read as follows:

**“STRUCTURE AND MEETINGS”**

Explanation

In view of the proposed expansion of the structure of the JPSG (see proposals (3) to (5) below), the title of Article 3 should be adapted accordingly.

(3) Rule 3.1 should read as follows:

“(a) The JPSG shall be presided jointly by the Parliament of the Member State holding the rotating presidency of the Council of the European Union and the European Parliament, the latter represented by the Chair of the competent committee (**Co-Chairs**). When the Parliament of the Member State holding the rotating presidency of the Council of the European Union is not taking part in the JPSG, the JPSG shall be presided jointly by the Parliament of the Member State previously holding the rotating presidency of the Council of the European Union and the European Parliament. **The Co-Chairs shall conduct the meetings and perform the duties assigned to them by the Rules of Procedure.**

**(b) Representatives of the national parliaments of the Presidency, the preceding Presidency and the following Presidency and of the European Parliament (Presidential Troika) shall make preparations regarding the objectives of the political scrutiny to be exercised by the JPSG.”**

Explanation

The establishment of a Presidential Troika will ensure the continuity of the work of national parliaments within the JPSG framework, particularly with regard to the task of making preparations regarding the objectives of the political scrutiny to be exercised by the JPSG. This type of format is also enshrined in the rules of procedure of other interparliamentary bodies, such as those of the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC), where it features in Rule 2.5, and of the Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union (SECG), where it features in Rule 3.3. In particular, the Co-Chairs should be responsible for conducting the meetings of the JPSG.

(4) The following new Rule 3.2 should be inserted:

**“3.2 Subgroups**

**The JPSG may appoint subgroups to deal with particular aspects of the activities of Europol. The subgroups shall submit recommendations to the JPSG and shall decide themselves on the frequency, dates and times of their meetings.”**



### Explanation

Pooling specialised expertise in subgroups is one of the main keys to the efficient exercise of political scrutiny. The option of setting up subordinate bodies is also enshrined in Rule 2.6 of the COSAC Rules of Procedure.

(5) The following new Rule 3.3 should be inserted:

#### **“3.3 Secretariat**

**A Secretariat shall be established to support the work of the JPSG. It shall comprise members of the staff of the Parliaments represented in the Presidential Troika.”**

### Explanation

Political scrutiny cannot be exercised efficiently unless the accompanying administrative tasks can be performed fully and continuously. To this end, a secretariat is required. The duties that the Secretariat would discharge are, for example, sending meeting documents and preparatory paperwork to the members of the JPSG, forwarding documents and requests from the delegations to the competent addressees, drafting and sending out minutes of meetings and reports as well as publishing documentation.

(6) The original Rule 3.2 should become Rule 3.4:

**“3.4 *Frequency and place of meetings*”**

### Explanation

This is a technical adjustment affecting only the numbering of rules.

(7) The original Rule 3.3 should become Rule 3.5, and the third sentence should read as follows:

**“3.5 *Extraordinary meetings***

[...] **By way of derogation from Rule 3.4**, extraordinary meetings taking place in the first half of the year may, **by agreement with the Parliament of the Member State holding the rotating presidency of the Council of the European Union**, be hosted by the European Parliament in Brussels.”

### Explanation

The first element of the amendment is a technical adjustment of the numbering. The proposed addition to the third sentence is based on the formulation used in the last sentence of point 4 of the annex to the Conclusions of the EU Speakers' Conference of 23/24 April 2017 (“Time and place of the extraordinary meetings shall be decided by the Parliament of the country holding the rotating presidency of the Council of the European Union and the European Parliament”). It therefore seems appropriate to specify that requirement in this rule.



(8) The title of Article 4 should read as follows:

“PROCEEDINGS, **RIGHT TO ASK QUESTIONS** AND LANGUAGES”

Explanation

In view of the proposed provisions concerning a right to ask questions (see proposal 12 below), the title of Article 4 should be adjusted accordingly.

(9) Rule 4.1(b) should read as follows:

“(b) As a general rule, the meetings of the JPSG are public.”

Explanation

The reference to “full transparency” seems superfluous in the light of the public nature of the meetings.

(10) Rule 4.1(c) should read as follows:

“(c) **By way of derogation from point (b)**, the JPSG **or its subgroups, acting by a simple majority of their members in attendance**, may decide to hold *in camera* meetings when the nature of the information to be discussed so requires.

Explanation

To facilitate the discussion in the JPSG of documents that are not intended for the public, the procedural barriers to the conduct of *in camera* meetings should not be too high.

(11) Rule 4.1(e) should read as follows:

“(e) **Unless otherwise provided in the present Rules of Procedure**, the JSPG shall, **in principle**, adopt its decisions by consensus.”

Explanation

The proposed addition to Rule 4.1(e) reflects the wording used in paragraph 18 of the Conclusions of the EU Speakers’ Conference of 23/24 April 2017, which states that, “in principle”, the JSPG will work on the basis of consensus. This means that exceptions are possible and should not be excluded by the Rules of Procedure.

(12) The following Rule 4.2 should be inserted:

**„4.2 Right to ask questions**

**Members of the JPSG may address both oral and written questions to the Chairperson of the Management Board, the Executive Director and/or the European Data Protection Supervisor for an oral response at meetings of the JPSG. In addition, they may also address written questions to the aforementioned addressees outside the meeting framework.”**



### Explanation

The right to ask questions is one of the main instruments of parliamentary scrutiny. Obtaining information by exercising an effectively devised right to put questions to the addressees specified in the Regulation is a key to efficient political scrutiny of Europol. Given the mission of permanent scrutiny assigned by Article 51(1) of the Europol Regulation, it should be possible for any member of the JPSG, both at and between meetings of the JPSG, to address written questions to the Chairperson of the Management Board, the Executive Director and the European Data Protection Supervisor. The right to ask questions, moreover, underpins the effectiveness of the power of the JPSG to hear these addressees (cf. points (a) and (b) of subparagraph 2 of Article 51(2) of the Europol Regulation). To ensure that the operational capacity of Europol is not unduly restricted by the exercise of the right to ask questions, provisions could be agreed to guarantee a reasonable scope of questions.

(13) The original Rule 4.2 should become Rule 4.3 and should read as follows:

#### **“4.3 Working languages**

The working languages of the JPSG shall be English, French **and German**. Documents published by the JPSG shall be communicated to the national Parliaments and the European Parliament in English, French **and German”**.

### Explanation

The first element of the amendment is a technical adjustment of the numbering. Since the interparliamentary group is a scrutinising body, the language regime should be more broadly based, and consideration should be given to the practice of the European Commission as regards the applicable working languages.

(14) The original Rule 4.3 should become Rule 4.4:

#### **“4.4 Interpretation”**

(15) The original Rule 4.4 should become Rule 4.5:

#### **“4.5 Documents”**

### Explanation

The amendments set out in proposals (14) and (15) are technical adjustments of the numbering.

(16) The original Rule 4.5 should become Rule 4.6, and Rule 4.5.1. should become Rule 4.6.1., which should read as follows:

#### **“4.6.1. Agenda of the meeting**

**The draft agenda shall be prepared by the Presidential Troika, which shall communicate the draft** to all participating parliaments no later than eight (8) weeks prior to each meeting. The agenda shall only include matters relating to the scrutiny of Europol, in line with the tasks and competence of the JPSG as set out in the Europol



Regulation. **Parliaments/Chambers may submit proposals on the draft agenda relating to the inclusion or deletion of items no later than two (2) weeks before the meeting.”**

#### Explanation

Since the Presidential Troika should be responsible for making preparations regarding the objectives of the political scrutiny to be exercised by the JPSG (see proposal (3) above), it would be consistent to give the Troika a substantive role in the preparation of agendas. The proposed wording of the third sentence would also enable all delegations to influence the content of agendas.

(17) The original Rules 4.5.2 to 4.6 should be renumbered accordingly, with the addition of a new Rule 4.6.4, and read as follows:

#### **“4.6.2. Other documents**

Prior to each meeting, delegations may send any documents relating to items of the agenda to the Co-Chairs. Each delegation shall be responsible for translating any document which it submits to the JPSG into English, French **and/or German**. The **Presidential Troika** may also draw up discussion documents for the JPSG.

#### **4.6.3. Requests to Europol for providing documents**

In accordance with Article 51(4) of the Europol Regulation, the **Presidential Troika** may request other relevant documents necessary for the fulfilment of its tasks relating to the political monitoring of Europol's activities. Any JPSG parliamentary delegation may submit such a written request to the **Secretariat**. Documents shall be provided in accordance with Article 64 of the Europol Regulation.

#### **4.6.4. Forwarding of documents**

**The documents referred to in Rules 4.6.1, 4.6.2 and 4.6.3 shall be forwarded to the national Parliaments and the European Parliament by the Secretariat.**

#### **4.7 Conclusions**

In accordance with Article 51(5) of the Europol Regulation, the JPSG may draw up summary conclusions on the outcome of the JPSG meetings relating to the political monitoring of Europol's activities. The **Presidential Troika** shall draft an initial proposal which is submitted to the JPSG for approval. The European Parliament shall forward the adopted conclusions, for information purposes, to the Council, the Commission and Europol.”

#### Explanation

The first element of this amendment is a technical adjustment of the numbering. Since the Presidential Troika should be responsible for making preparations regarding the objectives of the political scrutiny to be exercised by the JPSG (see proposal (3) above), it would be consistent to give the Troika a substantive role in the preparation of discussion papers and of



the conclusions referred to in Article 51(5) of the Europol Regulation and in requests for documents. The Secretariat should undertake the administration and forwarding of documents (see also proposal (5) above). In this context, in accordance with the approach adopted in Rule 4.5 (originally Rule 4.4), it should be specified that all meeting documents within the meaning of Rule 4.6 (originally Rule 4.5) are to be forwarded to the national parliaments and the European Parliament. As regards the broadening of the language regime, please see the explanation of proposal (13) above.

(18) The first sentence of Rule 6.1 should read as follows:

*“6.1 Entry into force of the Rules of Procedure*

These Rules of Procedure are drawn up in a single original in English, French **and German**, each of these texts being equally authentic.”

#### Explanation

For an explanation of this proposal, please see the explanation of proposal (13) above.

(19) In Rule 6.2, the present text should become subparagraph (a), and the following point (b) should be added:

**“(b) Without prejudice to the review of the Rules of Procedure referred to in point (a) above, national Parliaments and the European Parliament may submit proposals to amend these Rules of Procedure at any time. These amendment proposals must comply with the framework established by the Conference of Speakers of the European Union Parliaments. Decisions on amendment proposals shall be adopted by an absolute majority.”**

#### Explanation

Prior to the review of the Rules of Procedure that is scheduled to take place two years after the constituent meeting of the JPSG or after the meeting of the EU Speakers’ Conference following the review, it may be necessary to amend the Rules of Procedure. Accordingly, it is advisable to include a rule that makes explicit provision for the eventuality of such amendment. Article 7 of the Rules of Procedure of the Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union (SECG) contains a provision to that effect.