

Investigation of the use of Pegasus and equivalent surveillance spyware

Following revelations that several EU governments used the Pegasus spyware software against journalists, politicians, officials and other public figures, the European Parliament set up a Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware (PEGA). Parliament is set to hold a debate on PEGA's findings and vote on a recommendation to the Council and Commission during the June 2023 session.

Background

In 2021, several [civil society organisations](#) and investigative journalists started to reveal that government bodies in several countries, both EU Member States and non-EU countries, had used Pegasus and equivalent surveillance spyware against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and others, for political and even criminal purposes. The Pegasus software was developed by the Israeli NSO Group and has been used to breach mobile phones and extract data stored or processed by the target system, including text messages, call interceptions, locations, and information from apps. The use of Pegasus and equivalent surveillance spyware poses a [threat](#) to the fundamental rights guaranteed under the [Charter of Fundamental Rights of the EU](#) (such as the right to privacy and data protection, freedom of expression, freedom of the press, and freedom of association) and the principles contained in the [Treaties](#) (such as democracy and the rule of law). The proliferation and abuse of spyware also raises issues about the effectiveness of EU [export controls](#), human rights safeguards in the [procurement of spyware](#) from third countries, and foreign policy cooperation.

European Parliament position

On 8 March 2023, the [PEGA committee](#) adopted a [report](#) on its investigation on the use of Pegasus and equivalent spyware software. Based on this report, the rapporteur has prepared a recommendation to the Council and the Commission. Subject to final compromise, the [draft recommendation](#) of 22 May 2023 strongly condemns the illegitimate use of spyware by Member State governments or members of government. It concludes that there is evidence of degrees and forms of contravention and maladministration of EU law in Poland, Hungary, and Greece. It finds deficits in the implementation of the EU Dual-use Regulation in Cyprus and notes a need for reform in Spain. It also states that 'it can be safely assumed that all Member States have purchased or used one or more spyware systems'. According to the draft recommendation, there were serious shortcomings in the implementation of Union law when the Commission and the European External Action Service provided support to non-EU countries to enable them to develop surveillance capabilities. As stated in the draft text, Parliament considers that there is 'a clear need for common EU standards regulating the use of spyware by Member State bodies'. The draft underlines the need for better enforcement of EU law, including data protection law, the Anti-Money-Laundering Directive, procurement rules, the Dual-use Regulation, and the Whistleblower Directive, to counter deficiencies in national legislation. It also calls for additional European legislation requiring corporate actors producing and/or exporting surveillance technologies, to include human rights and due diligence frameworks.

Own-initiative procedure: [2022/2077\(INI\)](#); Committee responsible: LIBE; Rapporteur: Sophia in 't Veld (Renew, the Netherlands). For further information see EPRS [study](#).

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