



The Hague, 24 October 2018
MBS 157.2018

Mr Claude Moraes
Chair of the European Parliament's Committee on Civil
Liberties, Justice and Home Affairs

Ms Angela Lueger
Chair of the Committee on Internal Affairs of the
Austrian National Council

Cc:
Mr Tsvetan Tsvetanov
Representative of the Joint Parliamentary Scrutiny Group
before the Management Board

Ms Catherine De Bolle
Europol Executive Director

Dear Mr Moraes,

Dear Ms Lueger,

Subject: Cooperation between the Joint Parliamentary Scrutiny Group and the Management Board of Europol

I am pleased to address you today, following the latest meeting of the Europol Management Board (MB) on 3-4 October 2018 and the ensuing written procedure to which I referred in my letter of 5 October, in order to inform you about the outcome of the MB discussions regarding possible scenarios for cooperation with the Joint Parliamentary Scrutiny Group (JPSG).

I have the privilege to write to you on behalf of the MB.

From the outset, I should like to emphasise that the MB attaches the highest importance to the principle of the political scrutiny of Europol's activities enshrined in Article 88 of the Treaty on the Functioning of the European Union.

Accordingly, the MB remains committed to not only fully respecting the scrutiny role played by the JPSG in accordance with the Europol Regulation, but also to supporting and facilitating such scrutiny in practice.

In light of the above, the MB reiterated its readiness to establish a constructive and fruitful relationship with the JPSG, which we truly see as a key partner in ensuring and continuously strengthening Europol's democratic legitimacy and accountability to the Union's citizens.

As I stated on several occasions before the JPSG, the MB recognises the importance for the JPSG to receive the information it needs to fully exercise its mission. This implies making full use of the scrutiny tools set out under Article 51 of the Europol Regulation such as, in particular, the JPSG plenary meetings convened to discuss Europol's activities with the competent Europol representatives and other key stakeholders or the Group's right to request documents considered necessary for the fulfilment of its tasks relating to the political monitoring of Europol's activities.

In light of the appointment of Mr Apreutesei as my successor from 1 January 2019, I have discussed this matter with him. We both look forward to facilitating your exercise of joint parliamentary scrutiny by appearing before the JPSG to discuss matters relevant to the political monitoring of Europol's activities while taking into account any impending obligations of discretion and confidentiality.

Furthermore, Europol documents to be provided to the JPSG in accordance with Article 51(3) of the Europol Regulation will continue to be promptly transmitted to the JPSG, including the (draft) Europol multiannual programming, on which the JPSG is and will continue to be systematically consulted.

The MB also took note of the right of the JPSG to ask questions to Europol. We appreciate the relevance of this additional scrutiny tool which the JPSG has included in its rules of procedure, since written questions will certainly contribute to obtaining from the Agency targeted information that is of relevance for the JPSG in the exercise of its scrutiny responsibilities.

As mentioned, the MB considers all of the above elements as being pivotal tools to facilitate the political scrutiny of Europol's activities by the JPSG.

The MB has looked into how best to ensure the practical implementation of Article 14(4) of the Europol Regulation, where the Legislator has given the Board considerable latitude to invite persons whose opinion may be relevant for the discussions, including the JPSG representative, to attend MB meetings as non-voting observers.

As a result, I should like to inform you that the MB has agreed to invite the JPSG representative to attend two MB meetings per year, namely one MB meeting per semester under the auspices of the respective EU Presidency. The attendance of the JPSG representative will concern items for which the JPSG opinion is deemed relevant to the MB discussions. Matters such as Europol's programming document or budgetary aspects related to the fulfilment of Europol's activities could be examples of such items.

I am confident that this scenario, which entails a regular involvement of the JPSG representative in MB meetings, will contribute to strengthening Europol's ties with the JPSG and, through it, with the European Parliament and national parliaments.

In the absence of specific provisions in the Europol Regulation pertaining to a working arrangement between Europol and the JPSG, the MB would appreciate that the Group's representative would undertake to observe the necessary confidentiality with regard to MB debates and the handling of the documentation received in connection to their attendance to MB meetings.

Concerning the interest you expressed in receiving Europol's programming document also in French, kindly note that, while the Board upholds the principle of multilingualism enshrined in the Charter of Fundamental Rights, recurrent budgetary constraints along with an acute need to devote as much resources as possible to the provision of effective operational support to the Member States' competent authorities, led the Board to confirm its consolidated practice of processing the Agency's documents in English only. We sincerely trust on the understanding of the JPSG.

I sincerely hope you will recognise the openness of the MB concerning the participation of the JPSG representative in its meetings and wish to thank you again for your continued support towards Europol.

The MB considered that this solution, allied to our commitment to appear before the JPSG at its plenary meetings, provides a balanced means of ensuring effective implementation of Article 51 of the Europol Regulation while also taking into account the provision set out in Article 14(4) of the Regulation.

The MB looks forward to welcoming Mr Tsvetanov at its forthcoming meeting in December, for which I will send him an invitation in due course based on relevant agenda items.

We look towards the next JPSG meeting on 25 February 2019 as an excellent opportunity to continue discussing further ways to strengthening our cooperation.

Yours faithfully,



Priit Pärkna
Chairperson of the Management Board