



D 201396 20.10.2021



IPOL-COM-LIBE D (2021) 21634

To the Chairperson(s) of the committee(s) concerned

**Subject: Outcome of the Working Group on pending matters subject to possible further revision in the JPSG Rules of Procedure**

Dear Chair,

The Joint Parliamentary Scrutiny Group on Europol (JPSG) was set up based on Article 88 of the TFEU, Article 51 of the Europol Regulation ((EU) 2016/794), and, following the Conclusions of the Presidency from the Conference of Speakers of the European Union Parliaments meeting in Bratislava of 23 - 24 April 2017.

The JPSG held its constituent meeting on 9 - 10 October 2017 in Brussels and adopted its Rules of Procedure on 19 March 2018 in Sofia, Bulgaria. Pursuant to Article 6.2. of the JPSG Rules of Procedure and in line with the mandate of the EUSC (Bratislava Conclusions, April 2017), the JPSG was to make a review of its Rules of Procedure two years after its constituent meeting and submit the conclusions from such a review to the Presidency of the Conference of Speakers of the European Union Parliaments.

Since only amendments on the participation of the Danish Parliament reached the necessary consensus, the Co-Chairs in their letter to the EU Speakers' Conference, stated that some of the unresolved issues could benefit from further efforts to establish consensus across all delegations. Hence, the Co-Chairs proposed the JPSG Presidential Troika set up a Working Group on the appointment of the JPSG Representative to the meetings of the Europol Management Board, which would be entrusted to find a consensual solution.

The Presidential Troika of the JPSG (FI, HR, DE) decided to create a Working Group on pending matters subject to possible further revision in the JPSG Rules of Procedure. The mandate of the Working Group included the appointment of the JPSG representative to the Europol Management Board (Article 5 of the JPSG Rules of Procedure), as well as a possible future revision to the clause of the JPSG Rules of Procedure that respects the principle of consensus (Article 6.2 of the JPSG Rules of Procedure).

The Working Group held a constituent meeting on 10 December 2020 with 15 JPSG representatives, who expressed interest in attending, from the European Parliament, the Bundestag, the Portuguese Parliament, the Croatian Parliament, the Luxembourg Chamber of Deputies, the Italian Chamber of Deputies, the House of Representatives of Republic of Cyprus, the Romanian Parliament, the Hellenic Parliament, the French National Assembly, the Sejm of Poland, the Swedish Parliament, the Chambre des Représentants de la Belgique, the National Assembly of the Republic of Slovenia and the Dutch Eerste Kamer.

At the constituent meeting, the Working Group set a deadline of 14 January 2021 for proposals to change Article 5 and Article 6.2 of the Rules of Procedure of the JPSG.

Within the set deadline, 11 proposals on possible changes were submitted for Article 5 of the Rules of Procedure and three on and Article 6.2.

A technical level meeting took place on 21 January 2021. The initial exchanges indicated that most members of the Working Group would favour a possible compromise on Article 5, consisting of inviting two JPSG Members, one from the European Parliament and one from the Presidency Parliament, to the meetings of the Europol Management Board, with the understanding that only one of them would be allowed to take the floor on behalf of the JPSG, as an observer.

According to its mandate, the Working Group was to present its proposals to the Presidential Troika meeting, organised as part of the 8th JPSG meeting in Lisbon, Portugal (1- 2 February 2021). As more time was required for further elaboration of the Working Group proposals, the Presidential Troika decided to set a new reporting deadline and postpone the presentation of proposals until the next JPSG meeting in Brussels in the second half of 2021.

Following the technical meeting, the Co-Chairs, in their letter of 23 February 2021, informed the Europol Management Board of the Working Group's intention and requested the opinion of the Europol Management Board on the matter. Specifically they asked whether the Management Board could envisage inviting two JPSG Members to its meeting, with the explanation that only one of them would be taking the floor on behalf of the JPSG. At the same time, the Co-Chairs asked if the appointed JPSG Members could be invited to specific parts on the agenda of the Management Board meetings in a systematic and regular way, namely to all Management Board meetings, which would further enhance the democratic scrutiny performed by the JPSG.

The Europol Management Board, in their reply of 23 March 2021, welcomed the first part of the proposal, inviting two JPSG representatives, but expressed a preference for maintaining the current approach regarding the frequency of the invitations.

After consideration, the JPSG Co-Chairs, Ms Oneto and Mr López Aguilar, proposed two compromise amendments.

At the second meeting of the Working Group, on 25 May 2021, the Co-chairs presented the following compromise amendments, integrating further changes as per the requests of the Romanian and the Italian delegates and taking into account a clarification from the German delegation:

On Article 5:

- inviting two JPSG Members, one from the European Parliament and one from the Presidency Parliament, to the meetings of the Europol Management Board, with the understanding that only one of them be allowed to take the floor on behalf of the JPSG as an observer.

On Article 6.2:

- the JPSG delegations may submit proposals for a revision of the Rules of Procedure at least four months ahead of the next JPSG meeting;

- these proposals shall be submitted, in writing, together with a statement of reason; they are to be submitted to the JPSG Co-Chairs and to the Troika and sent to all JPSG delegations;
- the Troika assesses the admissibility and decides whether to put the proposal on the agenda of the first or second JPSG meeting following the submission.

The compromise amendments, were unanimously endorsed by the members of the Working Group. The final version of the amendments was distributed to the members on the 4 June 2021 and shared with the Presidential Troika (PT, SI, FR). The Presidential Troika endorsed the compromise amendments and agreed to table them to the JPSG Delegation at the Ninth JPSG meeting.

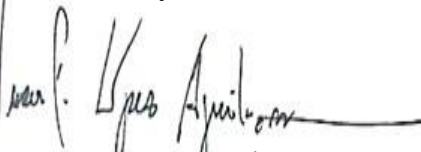
According to Article 4.1 (e) of the JPSG Rules of Procedure, the JPSG shall adopt its decisions, in principle, by consensus.

Consequently, the 9th JPSG plenary decision would mark the end of the procedure of the pending matters on the rules. In case of adoption by consensus and pursuant to Article 6.1 of the JPSG Rules of Procedure, according to which the Rules of Procedure shall enter into force on the date of their adoption, after the Chairs' announcement, the adopted amendments would take effect immediately.

It is the opinion of the JPSG Co-Chairs that this approach would allow JPSG members to focus on the scrutiny tasks, while also guaranteeing progress is made on the remaining procedural issues in a dedicated forum.

We trust that with this letter and the enclosed compromise amendments of the Rules of Procedure, we have explained the situation clearly and we hope we can count on your support for the compromise amendments.

Yours sincerely,



Mr Juan Fernando LÓPEZ AGUILAR  
Co-Chair of the JPSG  
Chair of the Committee on Civil  
Liberties, Justice and Home Affairs  
European Parliament



Mr Nik PREBIL  
Co-Chair of the JPSG  
Head of the National Assembly of the Republic of Slovenia Delegation to the JPSG

A handwritten signature in blue ink, consisting of a stylized 'B' followed by a long, horizontal, wavy line.

Ms Bojana POTOČAN

Co-Chair of the JPSG

Head of the National Council of the Republic of Slovenia Delegation to the JPSG

Annex 1: Compromise amendments to the JPSG Rules of Procedure