

**Question for written answer E-002804/2022
to the Commission**

Rule 138

Kostas Papadakis (NI), Lefteris Nikolaou-Alavanos (NI)

Subject: National Intelligence Service monitoring and use of spyware

The ND government has admitted that the NIS has been monitoring the communications of Nikos Androulakis MEP and leader of PASOK/KINAL, making use of Predator spyware for this purpose, in addition to repeatedly 'listening in' on telephones at the Greek Communist Party Central Committee headquarters, a matter that has not been investigated by the Hellenic Authority for Communication Security and Privacy. It has also been revealed that the Hungarian, Polish and Spanish governments have been engaged in similar activities.

The production and marketing of spyware is considered lawful by the EU under the terms of Regulation (EU) 2021/821.

State agencies are authorised by the EU and national governments to infringe the privacy of communications where deemed necessary for the purposes of 'national security', 'public order', 'public interest' or other portmanteau concepts that may be invoked under Article 15(1) of Directive 2002/58/EC to limit the confidentiality of communications.

Under Directive 2006/24/EC, the monitoring of individual metadata is actually required. Although declared invalid by the CJEU, this package of measures was transposed into national legislation, under Greek Law 3917/2011 for example.

In the light of this:

How does the Commission view the fact that EU's own institutional framework provisions, which have been incorporated by governments under national law, now provide legal endorsement for the generalised interception of communications, breaches of privacy and the collection, processing and exchange of workers' personal data in all its Member States?